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FEDERAL REGISTER

VOLUME 25 NUMBER 130

Washington, Wednesday, July 6, 1960

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Codification Guide

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 400–899, Revised $5.50
Title 14, Parts 40–399 $0.75

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 1–50 ($0.45); Parts 51–52 ($0.45); Parts 53–209 ($0.40); Parts 210–399, Revised ($4.00); Parts 900–959 ($1.50); Part 960 to End ($2.50); Title 8 ($0.40); Title 9 ($0.35); Titles 10–13 ($0.50); Title 14, Parts 1–39 ($0.65); Title 15 ($1.25); Title 16, Revised ($6.50); Title 17 ($0.75); Title 18 ($0.55); Title 19 ($1.00); Title 20 ($1.25); Title 21 ($1.50); Titles 22–23 ($0.45); Title 24 ($0.45); Title 25 ($0.45); Title 26 (1939), Parts 1–79 ($0.40); Parts 80–169 ($0.35); Parts 170–182 ($0.35); Parts 300 to End ($0.40); Title 26, Part 1 (§§ 1.01–1.499) ($1.75); Parts 1 (§ 1.500 to End)–19 ($2.25); Parts 20–169 ($1.75); Parts 170–221 ($2.25); Part 300 to End ($1.25); Titles 28–29 ($1.75); Titles 30–31 ($0.50); Title 32, Parts 1–399 ($2.00); Parts 400–699 ($2.00); Parts 700–799 ($1.00); Parts 800–999, Revised ($3.75); Parts 1000–1099, Revised ($6.50); Part 1100 to End ($0.60); Title 33 ($1.75); Title 35, Revised ($3.50); Title 36, Revised ($3.00); Title 37, Revised ($3.50); Title 38 ($1.00); Title 39 ($1.50); Title 42, Revised ($4.00); Title 43 ($1.00); Title 46, Parts 1–145 ($1.00); Parts 146–149, Revised ($6.00); Part 150 to End ($0.65); Title 47, Parts 1–29 ($1.00); Part 30 to End ($0.30); Title 49, Parts 1–70 ($1.75); Parts 71–90 ($1.00); Parts 91–164 ($0.45); Part 165 to End ($1.00); Title 50 ($0.70).

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 202—FILLING POSITIONS

PART 209—GRIEVANCES AND APPEALS

Miscellaneous Amendments

JUNE 28, 1960.

1. Effective upon publication in the FEDERAL REGISTER, § 202.9 is amended to read as follows:

§ 202.9 Establishment of registers of eligibles.

The names of eligibles (those competitors who meet minimum requirements and are rated as attaining the minimum required rating) shall be entered on appropriate registers in the order outlined below. In the judgment of the Board, eligibility on registers may be established on the basis of earned eligible ratings attained in appropriate examinations for positions in the competitive service.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (d) of § 209.5 is amended to read as follows:

§ 209.5 Canal Zone Board of Appeals.

* * * * *

(d) *Decisions of the Canal Zone Board of Appeals.* Decisions of the Canal Zone Board of Appeals shall be made by majority vote of the members, shall be binding upon all employing departments, and shall be effective not later than the beginning of the fourth pay period following the receipt of the decision in the employing department unless a specific date is stated in the decision in accordance with subparagraph (1) of this paragraph.

(1) When the appeal to the Canal Zone Board of Appeals is made within thirty (30) calendar days from the date of an employee's receipt of an adverse decision from his employing department on a classification appeal provided by § 209.4, is from an action lowering the grade or pay level of the employee's position, and the decision of the Canal Zone Board of Appeals raises the grade or pay level of the position, the effective date shall be retroactive to the date of the action which lowered the grade or pay level. However, when the decision of the Canal Zone Board of Appeals raises the grade or pay level of the position above the grade or pay level in effect immediately preceding the lowering thereof, retroactivity will apply only to the extent of restoration to the grade or pay level in effect immediately preceding the lowering thereof. Retroactivity may be based only on duties and responsibilities existing at the time of the lowering of the grade or pay level and not on the basis of duties and responsibilities later assigned.

(2) The right to a retroactive effective date under subparagraph (1) of this paragraph may be preserved in the discretion of the Canal Zone Board of Appeals upon a showing by the employee that reasons beyond his control prevented him from appealing within the thirty-day period referred to in that subparagraph and that he did appeal as promptly as circumstances permitted.

(Sec. 15, 72 Stat. 405; E.O. 10749, 23 F.R. 9627, 3 CFR 1958 Supp.)

WILBER M. BRUCKER,
Secretary of the Army.

[F.R. Doc. 60-6161; Filed, July 5, 1960; 8:45 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1960 C.C.C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960-Crop Soybean Loan and Purchase Agreement Program

A price support program has been announced for the 1960-crop of soybeans. The 1960 C.C.C. Grain Price Support Bulletin 1 (25 F.R. 2380) issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1960 is supplemented as follows:

Sec.
421.5426 Purpose.
421.5427 Availability of price support.
421.5428 Eligible soybeans.
421.5429 Warehouse receipts.
421.5430 Determination of quantity.
421.5431 Determination of quality.
421.5432 Maturity of loans.
421.5433 Support rates.
421.5434 Warehouse charges.
421.5435 Inspection of soybeans under purchase agreements.
421.5436 Settlement.

AUTHORITY: §§ 421.5426 to 421.5436 issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 203, 301, 401, 63 Stat. 1053, as amended; Title II, 73 Stat. 178; 15 U.S.C. 714 b and c, 7 U.S.C. 1446d, 1447, 1421.

§ 421.5426 Purpose.

Sections 421.5426 to 421.5436 state additional specific regulations which, together with the general regulations contained in the 1960 C.C.C. Grain Price Support Bulletin 1, (§§ 421.5001 to 421.5022), apply to loans and purchase agreements under the 1960-Crop Soybean Price Support Program.

§ 421.5427 Availability of price support.

(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the United States, except that farm-storage loans will not be available in areas where the State committee determines that soybeans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1961, and the applicable documents must be signed by the producer and delivered to the office of the county committee not later than such final date. Applicable documents referred to herein include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

§ 421.5428 Eligible soybeans.

Soybeans, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

(a) The soybeans must have been produced in the United States in 1960 by an eligible producer.

(b) At the time the soybeans are placed under loan or delivered under a purchase agreement, the beneficial interest in the soybeans must be in the eligible producer tendering the soybeans for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested. Any producer who is in doubt as to whether his interest in the soybeans complies with the requirements of this subpart should make available to the county committee all pertinent information, prior to filing an application, which will permit a determination to be made by CCC as to his eligibility for price support. To meet the requirements of succession to a former producer, the rights, responsibilities and interests of the former producer with respect to the farming unit on which the soybeans were produced shall have been substantially assumed by the producer claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute suc-

cession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Soybeans, at the time they are placed under loan, and soybeans under purchase agreement which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The soybeans must be soybeans of any class, grading No. 4 or better.

(2) Soybeans grading "Garlicky" or "Weevily", or containing mercurial compounds or other substances poisonous to man or animals, or containing in excess of 14 percent moisture, shall not be eligible, except that soybeans represented by warehouse receipts which indicate that the soybeans are ineligible solely because of containing in excess of 14 percent moisture will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that soybeans of 14 percent moisture or less of an eligible grade and quality which meet the requirements of this section will be delivered. The certification shall be substantially as follows:

On soybeans containing in excess of 14 percent moisture delivery will be made of soybeans which grade No. _____, which contain not in excess of 14 percent moisture, which are otherwise of the same quality or better as the soybeans described on warehouse receipt No. _____, and which are the actual quantity obtained after drying the soybeans described in such receipt to be not in excess of 14 percent moisture. No lien for processing will be claimed by the warehouseman from the Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(3) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to their inspection, measurement, sampling, and sealing unless otherwise approved by the State committee.

(d) Except as otherwise provided in § 421.5435(a), soybeans under purchase agreement stored in other than approved warehouse storage shall not be eligible for sale to CCC if they do not meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a predelivery inspection performed by a representative of the county committee, unless the producer complies with the conditions specified in § 421.5435(a) and the soybeans on the basis of an inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.5429 Warehouse receipts.

Warehouse receipts representing soybeans in approved warehouse storage to be placed under a warehouse-storage loan or delivered in satisfaction of a farm-storage loan or acquired under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts presented for warehouse-storage loans must be issued in the name of the producer and for deliveries under farm-storage loans or purchase agreements, in the name of the producer or CCC, and must be properly endorsed in blank when issued in the name of the producer so as to vest title in the holder. The receipts must be issued by a warehouse for which a Uniform Grain Storage Agreement is in effect and which is approved by CCC for price support purposes, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show all of the following: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, (6) percentage of foreign material, and (7) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In addition, for soybeans grading Nos. 3 or 4, the percentage of splits, total damage and heat damage must also be shown. In the case of soybeans delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge, if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.5434.

(e) If the warehouseman has furnished a statement as provided in § 421.5428(c)(2), the supplemental certificate must show the numerical grade, grading factors, and the quantity of the soybeans to be delivered. Where the grade, grading factors and the quantity of the soybeans shown on the supplemental certificate do not agree with the warehouse receipt, the grade, grading factors and quantity shown on the supplemental certificate shall take precedence.

(f) If the receipt is issued for soybeans of which the warehouseman is the producer and owner either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. Such receipts shall also be registered or recorded with appropriate State or local officials when required by State law. In States where the pledge of warehouse receipts by a warehouseman on his own soybeans is not valid under State law and the warehouseman elects to deliver soybeans to CCC under a purchase agreement for which he is eligible under this program, the warehouse receipts shall be issued in the name of CCC.

(g) Each warehouse receipt or accompanying supplemental certificate representing soybeans stored in an approved warehouse operating under the Uniform Grain Storage Agreement shall indicate that the soybeans are insured in accordance with such agreement. Each warehouse receipt or accompanying supplemental certificate issued on warehouses operated by eastern common carriers and representing soybeans to be placed under loan shall indicate that the soybeans are insured at the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, cyclone and tornado. The cost of such insurance shall not be for the account of CCC.

§ 421.5430 Determination of quantity.

(a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans delivered under a farm-storage loan or under a purchase agreement shall be determined by weight. The quantity of soybeans on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or purchase agreement shall be the weight of the soybeans represented by the warehouse receipt or on the supplemental certificate, if applicable.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined by measurement of soybeans having a test weight of other than 60 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

For soybeans testing:	*Percent*
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 421.5431 Determination of quality.

The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection.

§ 421.5432 Maturity of loans.

Nonrecourse loans mature on demand but not later than May 31, 1961. Recourse loans mature on January 31, 1962.

§ 421.5433 Support rates.

Basic county support rates for soybeans placed under loan and for soybeans delivered under purchase agreement, and the schedule of premiums and discounts are set forth in this section. Farm-storage and warehouse-storage loans, and purchases under purchase agreements will be made on the basis of the support rate established for the county in which the soybeans were produced.

(a) *Basic county support rates.* Basic county support rates per bushel for soybeans of the classes Green soybeans and Yellow soybeans grading No. 2, and containing from 13.8 to 14.0 percent moisture, are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.80

ARIZONA

County	Rate per bushel
All counties	$1.71

ARKANSAS

County	Rate per bushel
All counties	$1.82

CALIFORNIA

County	Rate per bushel
All counties	$1.71

DELAWARE

County	Rate per bushel
All counties	$1.80

FLORIDA

County	Rate per bushel
All counties	$1.80

GEORGIA

County	Rate per bushel
All counties	$1.80

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.88	Lee	$1.88
Alexander	1.85	Livingston	1.91
Bond	1.90	Logan	1.91
Boone	1.89	McDonough	1.88
Brown	1.88	McHenry	1.90
Bureau	1.88	McLean	1.91
Calhoun	1.88	Macon	1.91
Carroll	1.88	Macoupin	1.90
Cass	1.89	Madison	1.89
Champaign	1.91	Marion	1.89
Christian	1.91	Marshall	1.90
Clark	1.90	Mason	1.89
Clay	1.89	Massac	1.86
Clinton	1.88	Menard	1.89
Coles	1.91	Mercer	1.88
Cook	1.92	Monroe	1.86
Crawford	1.89	Montgomery	1.90
Cumberland	1.91	Morgan	1.90
De Kalb	1.91	Moultrie	1.91
De Witt	1.91	Ogle	1.88
Douglas	1.91	Peoria	1.89
Du Page	1.91	Perry	1.86
Edgar	1.91	Piatt	1.91
Edwards	1.87	Pike	1.88
Effingham	1.91	Pope	1.86
Fayette	1.91	Pulaski	1.85
Ford	1.91	Putnam	1.88
Franklin	1.86	Randolph	1.86
Fulton	1.88	Richland	1.89
Gallatin	1.86	Rock Island	1.88
Greene	1.89	St. Clair	1.87
Grundy	1.91	Saline	1.86
Hamilton	1.87	Sangamon	1.91
Hancock	1.88	Schuyler	1.88
Hardin	1.86	Scott	1.89
Henderson	1.88	Shelby	1.91
Henry	1.88	Stark	1.89
Iroquois	1.91	Stephenson	1.88
Jackson	1.86	Tazewell	1.90
Jasper	1.90	Union	1.85
Jefferson	1.87	Vermilion	1.91
Jersey	1.88	Wabash	1.87
Jo Daviess	1.88	Warren	1.88
Johnson	1.85	Washington	1.87
Kane	1.91	Wayne	1.87
Kankakee	1.91	White	1.86
Kendall	1.91	Whiteside	1.88
Knox	1.89	Will	1.91
Lake	1.91	Williamson	1.86
La Salle	1.91	Winnebago	1.88
Lawrence	1.88	Woodford	1.90

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.85	Decatur	$1.84
Allen	1.86	De Kalb	1.86
Bartholomew	1.84	Delaware	1.84
Benton	1.90	Dubois	1.84
Blackford	1.84	Elkhart	1.85
Boone	1.86	Fayette	1.84
Brown	1.84	Floyd	1.83
Carroll	1.86	Fountain	1.89
Cass	1.85	Franklin	1.84
Clark	1.83	Fulton	1.85
Clay	1.86	Gibson	1.86
Clinton	1.86	Grant	1.84
Crawford	1.83	Greene	1.86
Daviess	1.85	Hamilton	1.85
Dearborn	1.83	Hancock	1.84

INDIANA—Continued

County	Rate per bushel	County	Rate per bushel
Harrison	$1.83	Perry	$1.83
Hendricks	1.85	Pike	1.85
Henry	1.84	Porter	1.89
Howard	1.85	Posey	1.85
Huntington	1.85	Pulaski	1.87
Jackson	1.84	Putnam	1.86
Jasper	1.88	Randolph	1.84
Jay	1.84	Ripley	1.83
Jefferson	1.83	Rush	1.84
Jennings	1.83	St. Joseph	1.86
Johnson	1.84	Scott	1.83
Knox	1.86	Shelby	1.84
Kosciusko	1.85	Spencer	1.83
Lagrange	1.86	Starke	1.87
Lake	1.90	Steuben	1.86
La Porte	1.87	Sullivan	1.87
Lawrence	1.85	Switzerland	1.83
Madison	1.84	Tippecanoe	1.88
Marion	1.85	Tipton	1.85
Marshall	1.86	Union	1.84
Martin	1.85	Vanderburgh	1.85
Miami	1.84	Vermillion	1.89
Monroe	1.85	Vigo	1.88
Montgomery	1.88	Wabash	1.84
Morgan	1.85	Warren	1.89
Newton	1.90	Warrick	1.84
Noble	1.86	Washington	1.83
Ohio	1.83	Wayne	1.84
Orange	1.84	Wells	1.85
Owen	1.85	White	1.88
Parke	1.87	Whitley	1.86

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.81	Jefferson	$1.84
Adams	1.80	Johnson	1.85
Allamakee	1.82	Jones	1.85
Appanoose	1.82	Keokuk	1.84
Audubon	1.81	Kossuth	1.80
Benton	1.85	Lee	1.85
Black Hawk	1.83	Linn	1.85
Boone	1.82	Louisa	1.85
Bremer	1.82	Lucas	1.82
Buchanan	1.84	Lyon	1.78
Buena Vista	1.80	Madison	1.81
Butler	1.82	Mahaska	1.83
Calhoun	1.81	Marion	1.83
Carroll	1.81	Marshall	1.84
Cass	1.80	Mills	1.79
Cedar	1.86	Mitchell	1.80
Cerro Gordo	1.81	Monona	1.79
Cherokee	1.79	Monroe	1.82
Chickasaw	1.81	Montgomery	1.79
Clarke	1.81	Muscatine	1.86
Clay	1.80	O'Brien	1.79
Clayton	1.83	Osceola	1.79
Clinton	1.86	Page	1.79
Crawford	1.80	Palo Alto	1.80
Dallas	1.82	Plymouth	1.78
Davis	1.83	Pocahontas	1.80
Decatur	1.81	Polk	1.83
Delaware	1.84	Pottawattamie	1.79
Des Moines	1.85	Poweshiek	1.84
Dickinson	1.79	Ringgold	1.80
Dubuque	1.84	Sac	1.81
Emmet	1.79	Scott	1.86
Fayette	1.83	Shelby	1.80
Floyd	1.81	Sioux	1.78
Franklin	1.82	Story	1.83
Fremont	1.79	Tama	1.84
Greene	1.81	Taylor	1.80
Grundy	1.83	Union	1.80
Guthrie	1.81	Van Buren	1.84
Hamilton	1.82	Wapello	1.83
Hancock	1.80	Warren	1.82
Hardin	1.83	Washington	1.84
Harrison	1.79	Wayne	1.82
Henry	1.84	Webster	1.82
Howard	1.80	Winnebago	1.79
Humboldt	1.81	Winneshiek	1.81
Ida	1.80	Woodbury	1.79
Iowa	1.85	Worth	1.80
Jackson	1.86	Wright	1.82
Jasper	1.84		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.78	Atchison	$1.79
Anderson	1.79	Bourbon	1.78

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Brown	$1.78	McPherson	$1.75
Butler	1.76	Marion	1.76
Chase	1.76	Marshall	1.77
Chautauqua	1.75	Miami	1.79
Cherokee	1.77	Mitchell	1.75
Clay	1.77	Montgomery	1.75
Cloud	1.76	Morris	1.77
Coffey	1.78	Nemaha	1.78
Cowley	1.75	Neosho	1.77
Crawford	1.77	Osage	1.78
Dickinson	1.76	Osborne	1.74
Doniphan	1.79	Ottawa	1.76
Douglas	1.79	Pottawatomie	1.77
Elk	1.76	Reno	1.74
Ellsworth	1.74	Republic	1.76
Franklin	1.79	Rice	1.74
Geary	1.77	Riley	1.77
Greenwood	1.77	Russell	1.74
Harper	1.74	Saline	1.75
Harvey	1.75	Sedgwick	1.75
Jackson	1.78	Shawnee	1.79
Jefferson	1.79	Smith	1.74
Jewell	1.75	Sumner	1.74
Johnson	1.79	Wabaunsee	1.78
Kingman	1.74	Washington	1.77
Labette	1.76	Wilson	1.76
Leavenworth	1.79	Woodson	1.77
Lincoln	1.75	Wyandotte	1.79
Linn	1.79	All other counties	1.73
Lyon	1.77		

KENTUCKY

County	Rate per bushel
All counties	$1.84

LOUISIANA

County	Rate per bushel
All counties	$1.82

MARYLAND

County	Rate per bushel
All counties	$1.80

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$1.80	Lapeer	$1.80
Arenac	1.78	Lenawee	1.84
Barry	1.80	Livingston	1.82
Bay	1.78	Macomb	1.82
Berrien	1.83	Mecosta	1.78
Branch	1.83	Midland	1.78
Calhoun	1.82	Monroe	1.84
Cass	1.82	Montcalm	1.79
Clare	1.78	Muskegon	1.78
Clinton	1.80	Newaygo	1.78
Eaton	1.81	Oakland	1.82
Genesee	1.80	Oceana	1.78
Gladwin	1.78	Ottawa	1.79
Gratiot	1.79	Saginaw	1.79
Hillsdale	1.84	St. Clair	1.81
Huron	1.78	St. Joseph	1.82
Ingham	1.82	Sanilac	1.79
Ionia	1.80	Shiawassee	1.80
Isabella	1.78	Tuscola	1.79
Jackson	1.83	Van Buren	1.81
Kalamazoo	1.81	Washtenaw	1.83
Kent	1.79	Wayne	1.83

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$1.74	Grant	$1.74
Anoka	1.78	Hennepin	1.79
Becker	1.72	Houston	1.80
Benton	1.76	Hubbard	1.72
Big Stone	1.75	Isanti	1.78
Blue Earth	1.79	Jackson	1.78
Brown	1.78	Kanabec	1.77
Carver	1.78	Kandiyohi	1.76
Cass	1.73	Kittson	1.71
Chippewa	1.76	Lac qui Parle	1.76
Chisago	1.78	Le Sueur	1.79
Clay	1.72	Lincoln	1.77
Clearwater	1.72	Lyon	1.77
Cottonwood	1.78	McLeod	1.78
Crow Wing	1.74	Mahnomen	1.72
Dakota	1.79	Marshall	1.71
Dodge	1.80	Martin	1.79
Douglas	1.74	Meeker	1.77
Faribault	1.79	Mille Lacs	1.76
Fillmore	1.80	Morrison	1.75
Freeborn	1.80	Mower	1.80
Goodhue	1.80	Murray	1.77

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Nicollet	$1.78	Sherburne	$1.78
Nobles	1.78	Sibley	1.78
Norman	1.72	Stearns	1.76
Olmsted	1.80	Steele	1.80
Otter Tail	1.73	Stevens	1.75
Pennington	1.72	Swift	1.76
Pine	1.76	Todd	1.74
Pipestone	1.77	Traverse	1.74
Polk	1.72	Wabasha	1.80
Pope	1.75	Wadena	1.73
Ramsey	1.79	Waseca	1.79
Red Lake	1.72	Washington	1.79
Redwood	1.77	Watonwan	1.79
Renville	1.77	Wilkin	1.73
Rice	1.80	Winona	1.80
Rock	1.77	Wright	1.78
Roseau	1.71	Yellow Medicine	1.76
Scott	1.79		

MISSISSIPPI

All counties	$1.82

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$1.83	Linn	$1.82
Andrew	1.80	Livingston	1.81
Atchison	1.80	McDonald	1.78
Audrain	1.84	Macon	1.83
Barry	1.78	Madison	1.82
Barton	1.78	Maries	1.81
Bates	1.80	Marion	1.85
Benton	1.80	Mercer	1.81
Bollinger	1.83	Miller	1.81
Boone	1.83	Mississippi	1.83
Buchanan	1.80	Moniteau	1.82
Butler	1.83	Monroe	1.84
Caldwell	1.80	Montgomery	1.83
Callaway	1.83	Morgan	1.81
Camden	1.81	New Madrid	1.83
Cape Girardeau	1.83	Newton	1.78
Carroll	1.81	Nodaway	1.80
Carter	1.82	Oregon	1.81
Cass	1.80	Osage	1.82
Cedar	1.79	Ozark	1.80
Chariton	1.82	Pemiscot	1.83
Christian	1.79	Perry	1.83
Clark	1.85	Pettis	1.81
Clay	1.80	Phelps	1.81
Clinton	1.80	Pike	1.85
Cole	1.82	Platte	1.80
Cooper	1.82	Polk	1.80
Crawford	1.82	Pulaski	1.81
Dade	1.78	Putnam	1.82
Dallas	1.80	Ralls	1.85
Daviess	1.80	Randolph	1.83
De Kalb	1.80	Ray	1.80
Dent	1.81	Reynolds	1.81
Douglas	1.80	Ripley	1.82
Dunklin	1.83	St. Charles	1.84
Franklin	1.83	St. Clair	1.80
Gasconade	1.82	St. Francois	1.83
Gentry	1.80	St. Louis	1.84
Greene	1.79	Ste. Genevieve	1.83
Grundy	1.81	Saline	1.81
Harrison	1.80	Schuyler	1.83
Henry	1.80	Scotland	1.84
Hickory	1.80	Scott	1.83
Holt	1.80	Shannon	1.81
Howard	1.82	Shelby	1.84
Howell	1.81	Stoddard	1.83
Iron	1.81	Stone	1.79
Jackson	1.80	Sullivan	1.82
Jasper	1.78	Taney	1.80
Jefferson	1.83	Texas	1.81
Johnson	1.80	Vernon	1.79
Knox	1.84	Warren	1.83
Laclede	1.80	Washington	1.82
Lafayette	1.80	Wayne	1.82
Lawrence	1.78	Webster	1.80
Lewis	1.85	Worth	1.80
Lincoln	1.84	Wright	1.80

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$1.74	Boyd	$1.74
Antelope	1.75	Burt	1.78
Boone	1.75	Butler	1.78

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Cass	$1.78	Nuckolls	$1.75
Cedar	1.76	Otoe	1.78
Clay	1.75	Pawnee	1.78
Colfax	1.77	Pierce	1.75
Cuming	1.77	Platte	1.76
Dakota	1.77	Polk	1.76
Dixon	1.77	Richardson	1.78
Dodge	1.78	Saline	1.77
Douglas	1.78	Sarpy	1.78
Fillmore	1.76	Saunders	1.78
Gage	1.77	Seward	1.77
Hall	1.74	Stanton	1.76
Hamilton	1.75	Thayer	1.76
Jefferson	1.77	Thurston	1.77
Johnson	1.78	Washington	1.78
Knox	1.75	Wayne	1.76
Lancaster	1.78	Webster	1.74
Madison	1.75	York	1.76
Merrick	1.75	All other counties	1.73
Nance	1.75		
Nemaha	1.78		

NEW JERSEY

All counties	$1.81

NEW MEXICO

All counties	$1.71

NEW YORK

All counties	$1.80

NORTH CAROLINA

All counties	$1.80

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$1.71	Sargent	$1.71
Cass	1.72	Steele	1.71
Grand Forks	1.71	Traill	1.72
Ransom	1.71	All other counties	1.70
Richland	1.72		

OHIO

Adams	$1.83	Licking	$1.85
Allen	1.86	Logan	1.85
Ashland	1.85	Lorain	1.86
Ashtabula	1.86	Lucas	1.87
Athens	1.84	Madison	1.84
Auglaize	1.85	Mahoning	1.85
Belmont	1.84	Marion	1.86
Brown	1.83	Medina	1.86
Butler	1.83	Meigs	1.83
Carroll	1.85	Mercer	1.85
Champaign	1.84	Miami	1.84
Clark	1.83	Monroe	1.83
Clermont	1.83	Montgomery	1.83
Clinton	1.83	Morgan	1.84
Columbiana	1.85	Morrow	1.86
Coshocton	1.85	Muskingum	1.85
Crawford	1.86	Noble	1.84
Cuyahoga	1.86	Ottawa	1.87
Darke	1.84	Paulding	1.87
Defiance	1.87	Perry	1.85
Delaware	1.85	Pickaway	1.84
Erie	1.87	Pike	1.83
Fairfield	1.85	Portage	1.86
Fayette	1.83	Preble	1.83
Franklin	1.85	Putnam	1.87
Fulton	1.87	Richland	1.86
Gallia	1.83	Ross	1.83
Geauga	1.86	Sandusky	1.87
Greene	1.83	Scioto	1.83
Guernsey	1.85	Seneca	1.87
Hamilton	1.83	Shelby	1.85
Hancock	1.86	Stark	1.85
Hardin	1.85	Summit	1.86
Harrison	1.85	Trumbull	1.86
Henry	1.87	Tuscarawas	1.85
Highland	1.83	Union	1.85
Hocking	1.84	Van Wert	1.86
Holmes	1.85	Vinton	1.84
Huron	1.86	Warren	1.83
Jackson	1.83	Washington	1.83
Jefferson	1.85	Wayne	1.85
Knox	1.85	Williams	1.87
Lake	1.86	Wood	1.87
Lawrence	1.83	Wyandot	1.86

OKLAHOMA

County	Rate per bushel
All counties	$1.76

PENNSYLVANIA

All counties	$1.80

SOUTH CAROLINA

All counties	$1.80

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.72	Jerauld	$1.72
Beadle	1.72	Kingsbury	1.73
Bon Homme	1.74	Lake	1.74
Brookings	1.74	Lincoln	1.76
Brule	1.72	McCook	1.74
Charles Mix	1.73	Miner	1.73
Clay	1.75	Minnehaha	1.75
Codington	1.72	Moody	1.74
Davison	1.73	Roberts	1.72
Dueul	1.73	Sanborn	1.72
Douglas	1.73	Turner	1.75
Grant	1.73	Union	1.76
Hamlin	1.72	Yankton	1.75
Hanson	1.73	All other counties	1.71
Hutchinson	1.74		

TENNESSEE

All counties	$1.83

TEXAS

All counties	$1.76

VIRGINIA

All counties	$1.80

WEST VIRGINIA

All counties	$1.80

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.82	Marinette	$1.79
Barron	1.79	Marquette	1.83
Brown	1.81	Milwaukee	1.86
Buffalo	1.80	Monroe	1.81
Burnett	1.78	Oconto	1.80
Calumet	1.82	Oneida	1.78
Chippewa	1.79	Outagamie	1.81
Clark	1.79	Ozaukee	1.85
Columbia	1.84	Pepin	1.80
Crawford	1.83	Pierce	1.80
Dane	1.85	Polk	1.79
Dodge	1.85	Portage	1.81
Door	1.80	Price	1.78
Douglas	1.78	Racine	1.88
Dunn	1.80	Richland	1.83
Eau Claire	1.80	Rock	1.87
Fond du Lac	1.84	Rusk	1.78
Grant	1.84	St. Croix	1.79
Green	1.86	Sauk	1.83
Green Lake	1.83	Sawyer	1.78
Iowa	1.84	Shawano	1.80
Jackson	1.81	Sheboygan	1.84
Jefferson	1.86	Taylor	1.78
Juneau	1.82	Trempealeau	1.80
Kenosha	1.88	Vernon	1.82
Kewaunee	1.80	Walworth	1.88
La Crosse	1.81	Washburn	1.78
Lafayette	1.85	Washington	1.85
Langlade	1.79	Waukesha	1.86
Lincoln	1.78	Waupaca	1.81
Manitowoc	1.82	Waushara	1.82
Marathon	1.79	Winnebago	1.82
		Wood	1.81

(b) *Application of discounts and premiums.* The cumulative discounts and premiums contained in paragraph (c) of this section shall be applied as follows:

(1) *Farm-storage loans.* In the case of eligible soybeans placed under farm-storage loans, the applicable discounts shall be applied to the basic rate at the time the loan is completed. Premiums shall be applied at the time of settlement on soybeans under nonrecourse loan delivered to CCC.

(2) *Warehouse-storage loans.* In the case of warehouse-storage loans, the applicable discounts and premiums shall

be applied to the basic rate at the time the loan is completed.

(3) *Purchase agreements.* On eligible soybeans delivered from farm-storage under purchase agreements and on eligible soybeans represented by warehouse receipts tendered to CCC under purchase agreements, the applicable discounts and premiums shall be applied to the basic rate at the time of settlement.

(c) *Discounts and premiums.* (1) Classification discount: The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(2) Discounts for test weight per bushel, splits, damaged kernels and foreign material:

Test weight per bushel	Discount	Splits	Discount	Damaged kernels [2]		Discount	Foreign material	Discount
				Heat	Total			
Pounds [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Percent* [1]	*Cents per bushel*	*Percent* [1]	*Cents per bushel*
53.0–53.9	½	20.1–25.0	½	0.6–0.7	3.1–4.0	½	2.1–2.5	1
52.0–52.9	1	25.1–30.0	1	8–1.0	4.1–5.0	1	2.6–3.0	2
51.0–51.9	1½	30.1–35.0	1½	1.1–1.5	5–1.6.0	1½	3.1–3.5	3
50.0–50.9	2	35.1–40.0	2	1.6–2.1	6.1–7.0	2	3.6–4.0	4
49.0–49.9	2½	----------	----------	2.2–3.0	7.1–8.0	2½	4.1–4.5	5
							4.6–5.0	6

[1] The figures in these columns are inclusive.
[2] Use column which yields the higher applicable discount.

(3) Premiums for low moisture content:

Moisture (percent)	*Premium (cents per bushel)*
12.2 or less	4
12.3 to 12.7 inclusive	3
12.8 to 13.2 inclusive	2
13.3 to 13.7 inclusive	1
13.8 to 14.0 inclusive	0

(4) Premium for low foreign material content: A premium of 2 cents per bushel shall be applicable to eligible soybeans containing 1.0 percent or less foreign material.

(5) The discounts and premiums contained in this paragraph (c) are cumulative and are applicable to all classes of soybeans.

(d) *Applicability of weed control provisions.* Where the State committee determines that State, district or county weed control laws, as administered, affect the soybean crop, the support rate in the case of farm storage shall be 10 cents below the applicable county support rate for the county in which the soybeans were produced unless the producer obtains a certificate from the appropriate weed control official indicating that the soybeans comply with the weed control laws. In the case of warehouse storage, whenever the State committee of the State in which the soybeans are stored determines that State, district or county weed control laws, as administered, affect soybeans stored in approved warehouses, the rate shall be 10 cents below the applicable support rate for the county in which the soybeans were produced unless the producer obtains a certificate from either the appropriate State, county or district weed control official or the storing warehouseman that the soybeans comply with the weed control laws, and in the case of the warehouseman, that he will save CCC harmless from loss or penalty because of the weed control laws. The certificate of the warehouseman may be in substantially the following form:

CERTIFICATION

This is to certify that the grain evidenced by warehouse receipt No. ---------- issued to ---------- is not subject to seizure or other action under weed control laws or regulations in effect at point of storage. It is further certified and agreed that should such grain be taken over by CCC in settlement of a loan or be purchased under the purchase agreement program that the undersigned will save CCC from loss or penalty under weed control laws or regulations in effect at the point the grain was stored under the above warehouse receipt.

(Signature)

(Address)

(Date)

§ 421.5434 Warehouse charges.

(a) (1) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1961, the nonrecourse loan maturity date, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through May 31, 1961, the nonrecourse loan maturity date:

Date of deposit (all dates inclusive):	*Amount of deduction (cents per bushel)*
Prior to July 26, 1960	12
July 26–Aug. 21, 1960	11
Aug. 22–Sept. 17, 1960	10
Sept. 18–Oct. 14, 1960	9
Oct. 15–Nov. 10, 1960	8
Nov. 11–Dec. 7, 1960	7
Dec. 8, 1960–Jan. 3, 1961	6
Jan. 4–Jan. 30, 1961	5
Jan. 31–Feb. 26, 1961	4
Feb. 27–Mar. 25, 1961	3
Mar. 26–Apr. 21, 1961	2
Apr. 22–May 31, 1961	1

In the case of recourse loans, there shall be deducted storage charges in the amount of 0.037 cents per bushel per day from the date the storage charges start against holders of the warehouse receipt through the recourse loan maturity date of January 31, 1962, plus receiving and loading out charges in the amount of 5.75 cents per bushel for truck received soybeans and 2.50 cents per bushel for soybeans received by rail or water unless written evidence has been submitted with the warehouse receipt that such charges have been prepaid.

(2) Notwithstanding the foregoing provisions of this section, if the date the storage charges start against the holders of the warehouse receipt is shown on the warehouse receipt or supplemental certificate and such date is prior to the maturity date for soybeans but subsequent to the date of deposit of the soybeans in the warehouse, the deduction for storage in computing the amount of the loan or purchase price shall be for the period from the date storage charges start against holders of the warehouse receipt through May 31, 1961 in the case of nonrecourse price support and January 31, 1962 in the case of recourse loans.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission: *Provided,* That the warehouseman shall not be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rate per bushel for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date to be determined in accordance with § 421.5432, and in the case of recourse loans the approved tariff rate for elevation charges, unless written evidence has been submitted with the warehouse receipt that such charges have been prepaid. The county office shall request the CSS Commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted, in the case of nonrecourse price support, shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.5435 Inspection of soybeans under purchase agreement.

(a) *Predelivery inspection.* Where the producer has given written notice within the 30-day period prior to the nonrecourse loan maturity date of his intent to sell his soybeans stored in other

than an approved warehouse under purchase agreement to CCC, the county office shall make an inspection of the soybeans and obtain a sample of the soybeans and submit it for grade analysis prior to the delivery of the soybeans. If the soybeans on the basis of the predelivery inspection, are of a quality which meets the requirements for a farm-storage loan, the county office shall issue delivery instructions on or after the date of inspection. The producer must then complete delivery within a 15-day period immediately following the date the county office issues delivery instructions, unless the county office determines that more time is needed for delivery. The producer whose soybeans are stored in other than an approved warehouse and whose soybeans are not of a quality eligible for a loan at the time of the predelivery inspection, shall be notified in writing by the county office that his soybeans are not eligible for purchase by CCC. If, nevertheless, the producer informs the county office that he will condition the soybeans, or otherwise take action to make the soybeans eligible and insists upon delivery of the soybeans, the county office shall issue delivery instructions. In such case, the producer shall be further informed that if such soybeans, upon delivery and before purchase, do not meet the eligibility requirements of § 421.5428(c) (1) and (2) as determined on the basis of a sample taken at the time of delivery, the soybeans will not be accepted for purchase by CCC. A predelivery inspection shall not be made on soybeans stored commingled in warehouses not approved for storage or on soybeans in an unapproved warehouse which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible. When a predelivery inspection is not made, such soybeans at the time of delivery must meet the eligibility requirements of § 421.5428(c) (1) and (2).

(b) *Inspection of soybeans stored by producer after maturity date.* The producer may be required to retain the soybeans stored in other than approved warehouse storage under purchase agreement for a period of 60 days after the nonrecourse loan maturity date without any cost to CCC. CCC will not assume any loss in quantity or quality of the soybeans covered by a purchase agreement occurring prior to delivery to CCC, except for quality deterioration under the following circumstances. If a producer has properly requested delivery instructions for soybeans which were determined to be of an eligible grade and quality at the time of the predelivery inspection, and CCC cannot accept delivery within the 60-day period following the nonrecourse loan maturity date, the producer may notify the county office at any time after such 60-day period that the soybeans are going out of condition or are in danger of going out of condition. Such notice must be confirmed in writing. If the county office determines that the soybeans are going out of condition or are in danger of going out of condition and that the soybeans cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county office shall obtain an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher, and on the basis of the quantity actually delivered.

§ 421.5436 Settlement.

(a) *Settlement value.* Subject to the provisions of § 421.5019, the following shall apply:

(1) *Nonrecourse farm-storage loans.* In the case of eligible soybeans delivered to CCC from farm-storage under nonrecourse loan, settlement shall be made at the applicable support rate for the county in which the soybeans were produced. The support rate shall be for the grade and quality of the total quantity of soybeans eligible for delivery. If, upon delivery, the soybeans under nonrecourse farm-storage loan are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the basic support rate, adjusted for premiums and discounts, if any, applicable to the grade and quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under the loan and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery.

(2) *Nonrecourse warehouse-storage loans.* Settlement for eligible soybeans under nonrecourse warehouse-storage loans not redeemed on maturity and represented by warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(3) *Purchase agreements*—(i) *Delivery from farm storage.* Settlement for soybeans delivered to CCC from farm storage meeting the eligibility requirements of § 421.5428(c) (1) and (2), as determined by a reinspection at the time of delivery, and otherwise eligible for delivery shall be made at the applicable support rate for the location where produced. If soybeans, which were determined to be eligible at the time of the predelivery inspection are, upon delivery, of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the eligible soybeans as determined at the time of the predelivery inspection, less the difference, if any, at the time of delivery between the market price for the grade and quality of the soybeans determined by the predelivery inspection and the market price of the soybeans delivered, as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the use specified above, the settlement value shall be the market value, as determined, by CCC, as of the date of delivery.

(ii) *Delivery from approved warehouse-storage.* In the case of eligible soybeans stored commingled in an approved warehouse the producer must, not later than the day following the loan maturity date, or during such period of time thereafter as may be specified by the county committee, submit to the office of the county committee, warehouse receipts under which the warehouseman guarantees quality and quantity for the quantity of soybeans he elects to sell to CCC. Settlement for eligible soybeans delivered under purchase agreement to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade, and other quality factors shown on the warehouse receipt or accompanying documents at the applicable support rate for the county in which the soybeans were produced.

(iii) *Delivery from unapproved warehouse-storage.* The county office will issue instructions on or after the nonrecourse loan maturity date for delivery of soybeans in a warehouse not approved for storage which are stored commingled, or which are stored so that the identity of the producer's soybeans is maintained but a predelivery inspection is not possible, where the producer has properly given the county office written notice of his intent to sell such soybeans to CCC. Settlement for such soybeans delivered to CCC which meet the eligibility requirements of § 421.5428(c) (1) and (2) and which are otherwise eligible for delivery shall be made at the applicable support rate for the county where produced. If a predelivery inspection of the producer's soybeans can be made, the provisions of § 421.5435(a) shall apply and settlement will be the same as for soybeans delivered under a purchase agreement from farm storage as pro-

vided in subdivision (i) of this subparagraph.

(iv) *Soybeans ineligible for delivery inadvertently accepted by CCC.* The settlement provisions of this subdivision (iv) shall apply to the following categories of soybeans ineligible for delivery which are inadvertently accepted by CCC and which CCC determines that it is not in a position to reject: (*a*) Soybeans which were of an ineligible grade or quality both at the time of the predelivery inspection and at the time of delivery as redetermined by a reinspection; (*b*) soybeans of an ineligible grade or quality which are delivered to CCC in excess of the maximum quantity stated in the purchase agreement; and (*c*) soybeans in other than approved warehouse storage on which a predelivery inspection was not performed, and which at the time of delivery do not meet the eligibility requirements of § 421.5428(c) (1) and (2). The settlement value shall be the market price for the grade, quality, and quantity of such ineligible soybeans delivered as determined by CCC: *Provided, however,* That if such soybeans are sold by CCC in order to determine their market price, the settlement value shall not be less than the sales price: *And provided further,* That if upon delivery the soybeans contain mercurial compounds or other substances poisonous to man or animals, such soybeans shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such soybeans for the uses specified above, the settlement value shall be the market value, as determined by CCC, as of the date of delivery. If soybeans delivered are of an eligible grade and quality but are in excess of the maximum quantity stated in the purchase agreement and such soybeans are inadvertently accepted by CCC, the settlement value shall be the sales price if the soybeans are immediately sold. If the soybeans are not immediately sold, the settlement value shall be the applicable support rate or the market price, as determined by CCC, whichever is lower.

(4) Notwithstanding the foregoing, if a warehouseman has made a certification on the warehouse receipt or supplemental certificate as specified in § 421.5428(c)(2), settlement for soybeans delivered to or acquired by CCC in an approved warehouse under a nonrecourse farm-storage loan or purchase agreement shall be based on the quality and quantity specified in such certification.

(5) *Recourse farm-storage and warehouse-storage loans.* Settlement of recourse farm-storage and warehouse-storage loans shall be effected in accordance with § 421.5019.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored soybeans under nonrecourse loan or purchase agreement authorized is to delivered to CCC prior to the loan maturity date except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.5434.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on eligible soybeans under nonrecourse loan or purchase agreement stored in an approved warehouse, the producer shall, upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the storage agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid. In case an approved warehouse operated by an Eastern common carrier charges the producer for the elevation charges on soybeans under nonrecourse loan or purchase agreement, the producer shall upon delivery of the soybeans to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges specified in the applicable approved tariff; provided the producer furnishes to the county office written evidence signed by the warehouseman that such charges have been paid and that CCC has not previously given the producer credit as provided in § 421.5434(b).

(d) *Storage payment where CCC is unable to take delivery of soybeans stored in other than an approved warehouse under nonrecourse loan or purchase agreement.* The producer may be required to retain soybeans stored in other than an approved warehouse under nonrecourse loan or purchase agreement for a period of 60 days after the nonrecourse maturity date without any cost to CCC. However, if CCC is unable to take delivery of such soybeans within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the soybeans to CCC: *Provided, however,* That a storage payment shall be paid a producer whose soybeans are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the soybeans to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of .037 cents per bushel per day for the soybeans accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on nonrecourse price support soybeans delivered to CCC on track at a country point.

(f) *Compensation for hauling.* If the producer is directed by the county office to deliver his nonrecourse price support soybeans to a point other than his customary shipping point, he shall be allowed compensation (as determined by CCC at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the soybeans any distance greater than the distance from the point where the soybeans are stored by the producer to the customary shipping point.

(g) *Method of payment under purchase agreement settlements.* When delivery of soybeans under purchase agreements is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made.

Issued at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-6194; Filed, July 5, 1960; 8:48 a.m.]

PART 464—TOBACCO

Subpart—Tobacco Loan Program

Statement with respect to the tobacco price support loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to respectively as "CCC" and "CSS"). Changes in legislation have necessitated certain operational changes in the tobacco loan program and, therefore, the statement published in 23 F.R. 5645 is hereby amended, revised, and reissued.

Sec.

AUTHORITY: §§ 464.1201 to 464.1211 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423; sec. 125, 70 Stat. 198, 7 U.S.C. 1813; Public Law 86-80, 73 Stat. 178.

§ 464.1201 Administration.

(a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations (hereinafter referred to as "associations") acting for groups of producers. To obtain a loan, an association must enter into a loan agreement with CCC, which agreement will set forth terms and conditions prescribed by CCC. CCC reserves the right

to restrict the number of associations with which it will contract, and in so doing will select such associations as it deems necessary or desirable to effectuate the purposes of this program with a maximum of efficiency and economy of operation. The names of such associations may be obtained from the Tobacco Division, CSS, United States Department of Agriculture, Washington 25, D.C.

(b) Each year CCC will make loans to associations upon the security of eligible tobacco, and the associations in turn will make price support advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged as security for the loan. Associations will be authorized to enter into contracts for these services through the usual trade channels.

§ 464.1202 Availability of price support.

(a) Price support will be available for any crop of each of the following kinds of tobacco, if producers have not disapproved marketing quotas for such crop:

Flue-cured tobacco, types 11, 12, 13, and 14.
Kentucky-Tennessee fire-cured tobacco, types 22 and 23.
Virginia fire-cured tobacco, type 21.
Virginia sun-cured tobacco, type 37.
Dark air-cured tobacco, types 35 and 36.
Burley tobacco, type 31.
Maryland tobacco, type 32.
Cigar filler tobacco, type 41.
Cigar filler and binder tobacco, types 42, 43, 44, 53, 54, and 55.
Puerto Rican tobacco, type 46.
Cigar binder tobacco, types 51 and 52.

(b) No price support will be available with respect to any kind of tobacco for any year for which marketing quotas have been disapproved by growers.

(c) Price support to eligible producers will be made available on eligible tobacco in the following manner:

(1) *Auction market area.* (i) In the areas where tobacco is marketed through auction markets, price support will be extended through auction warehouses which have contracted with the association, on a form of agreement approved by CCC, to make price support advances to producers on behalf of the association. Producers will deliver their tobacco to auction warehouses to be displayed and offered for sale at auction. The association contract with auction warehouses will require the auction warehouses to see that producers are informed that price support advances are available and to make price support advances to eligible producers on eligible tobacco. Producers will generally receive the price support advances from the warehouseman for any tobacco to be consigned to the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman will in turn be reimbursed by the association with funds borrowed from CCC.

(ii) Price support will be available only at warehouses where tobacco inspection service is provided by the Agricultural Marketing Service, U.S.D.A. Inspection and price support services may be extended to new markets or to additional sales on established markets under 7 CFR Part 29 and this part issued pursuant to the Tobacco Inspection Act (7 U.S.C. 511 et seq.) and the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). These regulations provide that such additional services may be extended only after a formal public hearing establishes the need for the services and the adequacy of the buying power that will participate.

(iii) CCC reserves the right to direct the association to withhold a contract under the price support program from any auction warehouse for one or more years if, based on previous performance of similar contracts, there is substantial reason to expect that such warehouse will not fulfill the contract obligations.

(2) *Non-auction market area.* Eligible producers in non-auction market areas will deliver eligible tobacco to central receiving points designated by the appropriate association. After the tobacco has been graded by U.S.D.A. inspectors, the producer will receive the advance directly from the association for any tobacco to be pledged as security for loans.

(3) *Period of price support.* Price support will be available to eligible producers on eligible tobacco only during each year's normal marketing season for each kind of tobacco for which support is provided.

§ 464.1203 Level of price support.

The level of price support to eligible producers shall be as required by statute. For the 1960 crop of any kind of tobacco, the level shall be the level at which the 1959 crop of such kind of tobacco was supported or would have been supported if marketing quotas had been in effect. For each subsequent crop of any kind of tobacco, the level of price support shall be determined by multiplying the support level of the 1959 crop or, if marketing quotas were disapproved for the 1959 crop, the level at which the 1959 crop would have been supported if marketing quotas had been in effect, by the ratio of (a) the average index of prices paid by farmers, as defined in section 301(a)(1)(C) of the Agricultural Adjustment Act of 1938, for the three calendar years immediately preceding the calendar year in which the marketing year begins for the crop for which the support level is being determined to (b) the average index of such prices paid by farmers for the 1959 calendar year. Generally, the price support level will be announced prior to the normal planting time for each kind of tobacco. Schedules of loan rates, by types and grades, for each kind of tobacco will be announced as supplements to this statement before the opening of the markets. Flue-cured tobacco of varieties Coker 139, Coker 140, and Dixie Bright 244 will be supported at one-half the support rates for comparable grades of other varieties.

§ 464.1204 Deductions from advances.

(a) The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas may charge the producer a fee of 12 cents per hundred pounds and may make such other charges as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehousemen under which they will collect such charges and remit to the associations. In the non-auction market areas, the fee will be established at a rate commensurate with the services performed by the associations.

(b) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt register, the Government will effect collection of the amount of the indebtedness by set-off from the amount of price support advance due the producer in the following manner: Any within-quota marketing card issued for such farm in accordance with the applicable regulations issued by the Secretary of Agriculture with respect to marketing quotas will bear the notation "Indebted to U.S." on the front cover thereof and on the county office copy of each memorandum of sale, and the name of the debtor and the amount of the indebtedness will be shown on the inside back cover of the marketing card. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States by the producer named as debtor on such card will constitute an authorization by such producer to any tobacco warehouseman or association to pay to the United States the price support advance due the producer to the extent of his indebtedness set forth on such card but not to exceed that portion of the price support advance remaining after deduction of usual warehouse and authorized price support charges and amounts due prior lienholders. The acceptance and use of a within-quota marketing card bearing a notation and information of indebtedness to the United States will not constitute a waiver of any right of the producer to contest the validity of such indebtedness by appropriate administrative appeal or legal action. Under the marketing quota regulations issued by the Secretary, if the producer named as debtor on the card objects to the issuance, or after issuance to the use, of a within-quota marketing card bearing the notation and information of indebtedness to the United States thereon, he may elect to receive an excess marketing card showing "zero percent" penalty, in which event the producer will be ineligible for price support advances.

§ 464.1205 Interest rate and general provisions.

The loans made to the associations will bear interest at the rate announced by CCC for each crop year and will be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms

of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged for loan. Associations will sell the loan tobacco as provided in the loan agreements, and all proceeds of sales of the loan collateral of each crop year will be applied to the loan account for such crop year until the loan is repaid in full.

§ 464.1206 Adjustment of interest and disposition of overplus.

The loan agreement between CCC and any association may include provisions under which CCC will adjust the interest rate as outlined in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" from any crop year loan to the indebtedness on other crop year loans. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the arrangement is made.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the loan tobacco, after deducting (1) the amount of the loan, plus all handling charges and operating costs, and interest; and (2) any amount due CCC under a barter transfer agreement entered into between CCC and the association.

(b) *Disposition of overplus.* For those associations which agree to apply one-half of the overplus to other crop year loans, the remaining one-half of the overplus shall constitute "net gains", and for those associations which do not agree to apply one-half of the overplus to other crop year loans, the entire overplus shall constitute "net gains". Net gains shall be distributed in cash by the associations to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply to the CCC loan indebtedness of other crop years one-half of the overplus from any crop year loan, the interest rate on such crop year loan shall be adjusted annually, as of the beginning of each subsequent marketing year (July 1 for flue-cured tobacco loans and October 1 for loans on other kinds of tobacco) to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided,* That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year or at the time of final repayment of the loan to the amount which would have accrued at the average interest rate applicable to CCC's borrowings from the Treasury, but not exceeding the rate of interest established by CCC as applicable to the current crop year loans.

§ 464.1207 Maturity date.

Loans made under the program will mature on demand.

§ 464.1208 Eligible producer.

(a) An eligible producer is one for whom a within-quota marketing card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the applicable marketing year. (In general, the marketing quota regulations provide for the issuance of a within-quota marketing card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a within-quota marketing card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly.) In the case of flue-cured tobacco, two types of within-quota marketing cards will be used: a "white" within-quota marketing card will signify that the tobacco produced on the farm for which such marketing card was issued is eligible for full price support, and a "blue" within-quota Limited Support marketing card will signify that the tobacco produced on the farm for which such card was issued is eligible for price support on a grade basis at one-half the regular price support rate. The regulations further provide for collection of indebtedness to the United States as set out in § 464.1204. Also, an excess marketing card (ineligible for price support loans) shall be issued in any case where tobacco is produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco. Marketing quota cards issued pursuant to the Agricultural Adjustment Act of 1938, as amended, when utilized for the purpose of obtaining price support under the regulations in this subpart, are submitted, and the data in support thereof is reported, under the Agricultural Act of 1949, as amended, and under the Commodity Credit Corporation Charter Act, as amended, and may be utilized as Commodity Credit Corporation deems necessary or desirable for the conduct of the price support program.

(b) As Puerto Rican tobacco is not under U.S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.1209 Eligible tobacco.

Eligible tobacco shall be U.S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within-Quota" Marketing Card or a Within-Quota Limited Support Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type and crop year for which price support is available; (e) is free and clear of any and all liens and encumbrances; and (f) was not produced on land owned by the Federal Government in violation of the provisions of a lease restricting the production of tobacco.

§ 464.1210 Auction warehouse certification of flue-cured tobacco.

Auction warehouses through which price support is made available to producers of flue-cured tobacco shall identify, through the use of "certified" basket tickets, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to be of varieties eligible for full price support. A distinguishably different type of basket ticket shall be used for all other tobacco offered for sale at auction. The basis for determining whether tobacco is of varieties eligible for full price support shall be (a) for tobacco being offered for sale by or for the account of the producer thereof, the marketing card issued pursuant to marketing quota regulations for the farm on which the tobacco was produced, and (b) for resale tobacco (tobacco which has been previously sold by the producer), a certification by the seller to U.S.D.A. and the warehouse on Form MQ 79–1 Dealer's Certification—Resale Tobacco, a form provided for under the applicable marketing quota regulations, except where another basis is authorized by the Director, Tobacco Division, CSS. In the case of producer tobacco, the warehouse shall examine the marketing card prior to the time the tobacco is offered for sale, record the marketing card serial number on the warehouse floor sheet, and shall use certified basket tickets on the tobacco only if the marketing card presented is a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties". A dealer by execution of the Form MQ 79–1, Dealer's Certification—Resale Tobacco shall certify that the tobacco offered for sale and all other resale tobacco in which the dealer has an interest was purchased directly from the producer and was identified by a valid bill of non-warehouse sale issued from a Within-Quota (white) Marketing Card or an Excess (red) Marketing Card stamped "Acceptable Varieties", or was purchased by him at auction sale through a warehouse having price support available to producers and was identified by a certified basket ticket. Properly executed Dealer's Certification—Resale Tobacco shall be furnished to the U.S.D.A. representative stationed at the warehouse prior to the sale of the tobacco, with a copy to the warehouse. Where the Director, Tobacco Division, notifies the warehouse that the certifications of any dealer are not acceptable for this purpose, the Dealer's Certification shall not be used by the warehouse as a basis for a "certified" basket ticket. Such notice will be given to all warehouses having price support available to producers if a dealer is found to have made a false certification, or if a dealer fails to file reports required by applicable marketing quota regulations. In the latter case, the notice will be rescinded when the dealer files the reports if they show that he has not made false certifications with respect to identification of full support variety tobacco. Dealers

making false certifications, or producers using marketing cards other than the one issued for the farm on which the tobacco was produced, to obtain use of certified basket tickets for tobacco not entitled to such identification, shall be subject to applicable provisions of law relating to conspiracy, fraud, or other offenses, and to penalties imposed by applicable marketing quota regulations. A dealer who has full support variety resale tobacco for which the Dealer's Certification cannot properly be executed because such tobacco or other tobacco in which he has an interest was acquired other than as the certification form provides, or a dealer whose certifications have been determined to be unacceptable, may have full support variety tobacco identified on a "certified" basket ticket through application to the Director, Tobacco Division. In such instances, if by examination of the marketing quota records and other evidence, the Director determines that the tobacco is of a full support variety, a special authorization will be given for the warehouses to identify the tobacco on a "certified" basket ticket.

§ 464.1211 Special provisions applicable only to 1960 crop tobacco.

(a) *Limitation on nonrecourse price support.* Under existing legislation, no producer is entitled to receive nonrecourse price support in excess of $50,000 on any kind of 1960 crop tobacco unless he has become exempt from that limitation pursuant to procedures published in 25 F.R. 1001. Therefore, notwithstanding any other provisions of this subpart, the following special provisions are applicable to 1960 crop tobacco: Any portion of a 1960 crop loan made to an association applicable to tobacco on which a person, not exempt from the limitation, receives price support in excess of $50,000 shall be recourse and payable in full together with interest by the following maturity date: For flue-cured tobacco, February 28, 1962; for Burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, April 30, 1962; for Maryland tobacco, November 15, 1962; for Puerto Rican tobacco, September 30, 1962; for cigar filler and binder tobacco, July 31, 1962. Such recourse loan shall bear interest at the rate of six percent per annum from the average date that producers receive advances to the time of repayment except that on any part repaid on or before the maturity date, the rate of interest shall be three and one-half percent per annum from the said average date of advances to the date of repayment. After the close of the markets, CCC will determine on the basis of reports from the association whether pursuant to this section any portion of the loan made to the association is recourse, and upon determining the amount of any recourse portion will designate an appropriate quantity of tobacco as collateral for that portion of the loan. If by the maturity date, sales proceeds from the designated collateral are not sufficient to repay the recourse portion of the loan, the association shall redeem such quantity of the remaining designated collateral as necessary to satisfy the indebtedness. Redemption will be at prices determined by CCC to equal the loan and interest applicable to the particular tobacco, except that the prices will not be less than necessary to fully repay the recourse portion of the loan with interest. The association at its discretion may require any producer who is not exempt from the limitation to execute an agreement under which, if such producer authorizes or permits the consignment or consignments of any of his tobacco for advances totaling any amount in excess of $50,000, the producer agrees to pay the association his pro rata share of any amount by which the sales proceeds of any recourse loan collateral redeemed by the association fails to equal the total expenditure of the association for such tobacco, and the association may deny price support advances in excess of $50,000 to any producer who refuses to execute such an agreement. In the event that CCC should sustain a loss by failure of the association to carry out its obligation with respect to recourse loan collateral, each producer who has not already satisfied his obligation to the association shall be liable to CCC for his pro rata share of such loss.

(b) *Identification of untied tobacco offered for sale on auction markets in Florida.* Auction warehouses in the State of Florida through which price support is made available to producers of flue-cured tobacco shall identify, through the content and color of the basket tickets used, all tobacco (including resale and "excess" tobacco) offered for sale at auction which is determined to have been produced in Georgia, Florida, or Alabama. The basis for determining whether tobacco was produced in Georgia, Florida, or Alabama shall be (a) for tobacco being offered for sale by or for the account of the producer thereof, the marketing card issued pursuant to marketing quota regulations for the farm on which the tobacco was produced, and (b) for resale tobacco, if purchased directly from a producer in Georgia, Florida, or Alabama, the bill of nonwarehouse sale issued from the producer's marketing card and the Dealers Record Book—Form MQ-79, or, if purchased at auction sale through a warehouse having price support available to producers, the basket ticket(s) of such warehouse or other documentation showing the tobacco to have been produced in Georgia, Florida, or Alabama. All tobacco not so determined to have been produced in Georgia, Florida, or Alabama shall be identified by a basket ticket of distinguishable content and color from that used to identify tobacco so determined to have been produced in Georgia, Florida, or Alabama.

Issued this 30th day of June 1960.

TRUE D. MORSE,
Acting Secretary of Agriculture.

[F.R. Doc. 60-6195; Filed, July 5, 1960; 8:48 a.m.]

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 8]

PART 485—SOIL BANK

Subpart—Conservation Reserve Program for 1960

Section 485.526(b)(1) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, is hereby amended by adding to the end thereof the following: "Notwithstanding any other provision of this paragraph, (*1*) where a loss of control occurs as a result of the death of the original producer and the acreage is not continued in the program, the annual payment for the year in which the loss of control occurs shall be paid to the successor of the original producer as determined in accordance with paragraph (a) of this section if there is compliance with the contract for the full contract year; (2) where a loss of control occurs as a result of the death of the original producer and the acreage is not continued in the program because the successor producer is ineligible to continue such acreage in the program or to continue such acreage in the program at the same annual payment, any cost-share payment paid or payable with respect to such acreage shall not be refunded or forfeited; and (3) where a loss of control occurs as a result of eminent domain after the normal planting season of the principal crop normally grown on the farm and maturing in the year in which the loss of control occurs, the annual payment for such year shall be paid to the producer losing control if there is compliance with the contract for the full contract year except for the destruction of the conservation use by the agency acquiring control."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6175; Filed, July 5, 1960; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Extra Long Staple Cotton

FARM BASE ADJUSTMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7

U.S.C. 1281 et seq.). The purpose of this amendment is to provide a later closing date for applications by producers requesting that no farm base adjustment be made under section 344(f)(8) of the act and to dispense with such applications where an entire area of a county is involved.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner and in order that producers may be fully informed and obtain the benefits of the extension of the closing date for applications provided by this amendment, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.369(a)(2) of the regulations pertaining to acreage allotments for the 1960 crop of extra long staple cotton (24 F.R. 8481, 9703, 10056, 10138, 25 F.R. 1306) is amended to read as follows:

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to timely plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator shall file an application in writing with the county committee not later than September 15, 1960, showing that failure to plant at least 75 percent of the farm allotment in 1960 was due to one or more of such conditions: *Provided, however,* That no written application by the farm operator shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1960 farm allotment was planted or would have been planted to ELS cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1958 or 1959 was actually planted to ELS cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, percent of allotments planted to ELS cotton in 1958 and 1959, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 344, 63 Stat. 670, as amended; 7 U.S.C. 1344)

Done at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6176; Filed, July 5, 1960; 8:47 a.m.]

[Amdt. 6]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for the 1960 Crop of Upland Cotton

FARM BASE ADJUSTMENTS

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to provide a later closing date for applications by producers requesting that no farm base adjustment be made under section 344(f)(8) of the act and to dispense with such applications where an entire area of a county is involved.

In order that the Agricultural Stabilization and Conservation State and county committees may perform their assigned functions in an orderly manner and in order that producers may be fully informed and obtain the benefits of the extension of the closing date for applications provided by this amendment, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.319(a)(2) of the regulations pertaining to acreage allotments for the 1960 crop of upland cotton (24 F.R. 8430, 8628, 9693, 9778, 10056, 10135, 10136, 25 F.R. 1306) is amended to read as follows:

(2) Adjustments provided in subparagraph (1) of this paragraph shall not be made if the county committee determines that failure to timely plant at least 75 percent of the farm allotment was due to excessive rain, flood, hail, drought, lack of water on irrigated farms resulting from the effect of drought on the water supply, or illness of the farm operator or any other producers on the farm, which are hereby determined to be conditions beyond the control of producers on the farm. The farm operator shall file an application in writing with the county committee not later than September 15, 1960, showing that failure to plant at least 75 percent of the farm allotment in 1960 was due to one or more of such conditions: *Provided, however,* That no written application by the farm operator shall be required if the county committee finds that one or more of such conditions at planting time generally caused underplanting of allotments on a number of farms in an area of the county, and in such cases, the county committee, with the approval of a representative of the State committee, may determine that 75 percent or more of the 1960 farm allotment was planted or would have been planted to cotton on any farm in such area if at least 75 percent of the farm allotment minus any acreage history earned under the conservation reserve program for one or more of the years 1958 or 1959 was actually planted to cotton. A written record of the determinations of the county committee on each of the applications filed under this subparagraph or made under the proviso of this subparagraph shall be filed in the records of the county office showing the reason for failure to plant at least 75 percent of the farm allotment, percent of allotments planted to cotton in 1958 and 1959, where applicable, the county committee's approval or disapproval of an application, and where applicable, its reasons for disapproval.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 344, 63 Stat. 670, as amended; 7 U.S.C. 1344)

Done at Washington, D.C., this 29th day of June 1960.

CLARENCE D. PALMBY,
Associate Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-6177; Filed, July 5, 1960; 8:47 a.m.]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1958 and Subsequent Crop Years

Correction

In F.R. Doc. 60-5374, appearing at page 5267 of the issue for Tuesday, June 14, 1960, the following corrections are made:

1. In § 730.984:

a. In paragraph (a), the second occurrence of the words ", who buys, acquires, or receives" is changed to read "thereof shall, in conformity with".

b. In the introductory text of paragraph (b) preceding subparagraph (1), the word "mail" is changed to read "mill".

2. In § 730.985(b), the designation "MQ-55—Rice", occurring in the first sentence following subparagraph (6), is changed to read "MQ-95—Rice".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 6, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of El Dorado plums grown in California.

(b) *It is, therefore, ordered,* as follows: The provisions in paragraph (b) (1) (i) of § 936.642 (Plum Order 6; 25 F.R. 5176) are hereby amended to read as follows:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack and will have a net weight of not less than twenty-two (22) pounds: *Provided,* That not to exceed ten (10) percent, by count, of the packages or containers in any lot may fail to meet such net weight requirement; and

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 6; or (2) as releasing or extinguishing any violation of Plum Order 6 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated June 30, 1960, to be effective on and after 12:01 a.m., P.s.t., July 1, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6188; Filed, July 5, 1960; 8:47 a.m.]

[Lemon Reg. 852, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.959 (Lemon Regulation 852; 25 F.R. 5873) are hereby amended to read as follows:

(ii) District 2: 418,500 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 30, 1960.

G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60–6187; Filed, July 5, 1960; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–WA–233]

PART 608—RESTRICTED AREA

Modification of Restricted Area/Military Climb Corridor

Correction

In F.R. Doc. 60–5888, appearing at page 5929 of the issue for Tuesday, June 28, 1960, in the amendment to § 608.38, the fifth entry under *Designated altitudes* should begin with "10,100′ MSL" instead of "10,000′ MSL".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7431 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Electro Music and Donald J. Leslie

Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Electro Music et al., Pasadena, Calif., Docket 7431, May 26, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Pasadena, Calif., manufacturer of loud speakers and accessories for use with electric organs, with entering into, in State where such pacts were not lawful, resale price maintenance agreements with its retailer customers by which the latter agreed to sell its goods only at the prices it set out on its "suggested retail price list".

Accepting a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on May 26 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Electro Music, a corporation, and its officers, and Donald J. Leslie, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of loud speaker units, or any other similar products, in commerce, as "commerce" is defined in the Federal Trade

Commission Act (U.S.C. Title 15, Sec. 45), do cease and desist from: Entering into, continuing, cooperating in or carrying out any planned course of action, agreement, understanding, combination or conspiracy with customer retailers of said respondents or with any other customer of said respondents engaged in the sale of said product or with any other person, whereby the resale price of respondents' loud speaker units or other similar products is established, fixed or agreed upon unless such contracts or agreements of that description are lawful as applied to intrastate transactions under any statute, law, or public policy now or hereafter in effect in any State, Territory, or the District of Columbia in which such resale is to be made, or to which the commodity is to be transported for such resale.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 26, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6162; Filed, July 5, 1960; 8:45 a.m.]

[Docket 6822]

PRACTICES
PART 13—PROHIBITED TRADE

The Fair

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* § 13.1108-45 *Fur Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Modified cease and desist order, The Fair, Chicago, Ill., Docket 6822, May 23, 1960]

Order modifying desist order of March 4, 1959, 24 F.R. 2485, in fur products case, conforming to decree of the U.S. Court of Appeals for the Seventh Circuit of April 7, 1960.

Said modified order is as follows:

It is ordered, That respondent, The Fair, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

(1) Failing to furnish to purchasers of fur products invoices showing all of the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

(2) Setting forth on invoices required information in abbreviated form.

B. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, notice or in any other manner which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which represents directly or by implication:

(1) That the regular or usual price of any fur product is any amount which is in excess of the price at which respondent has usually and customarily sold such products in the recent regular course of its business;

(2) That such product is of a higher grade, quality or value than is the fact, by means of illustrations or depictions of higher priced or more valuable products than those actually available for sale at the advertised selling price, or by any other means.

C. Making pricing claims or representations of the type referred to in Paragraph B(1) above, unless there is maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

It is further ordered, That the charges of the complaint relating to alleged violations of Rule 44(b) of the rules and regulations promulgated under the Fur Products Labeling Act be, and the same hereby are, dismissed.

By "Order Modifying Order To Cease and Desist", etc., report of compliance was required as follows:

It is further ordered, That the respondent, The Fair, a corporation, shall within ninety (90) days from the 7th day of April 1960, as required by the said decree of the United States Court of Appeals for the Seventh Circuit entered on the 7th day of April 1960, as aforesaid, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this modified order to cease and desist.

Issued: May 23, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6163; Filed, July 5, 1960; 8:45 a.m.]

[Docket 7235]

PART 13—PROHIBITED TRADE PRACTICES

Opti-Ray, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified cease and desist order, Opti-Ray, Inc., et al., Brooklyn, N.Y., Docket 7235, May 27, 1960]

In the Matter of Opti-Ray, Inc., a Corporation, and Leo Goldgram, and Irving Goldgram, Individually and as Officers of Said Corporation

Order modifying desist order of May 6, 1959, 24 F.R. 4375, by including a proviso in subparagraph (a) of paragraph 1.

Said modification is as follows:

(a) That their lenses have a given diopter curve unless such is the fact; provided, however, that in the case of ground and polished sunglass lenses a tolerance not to exceed minus or plus one-sixteenth diopter in any meridian and a difference in power between any two meridians not to exceed one-sixteenth diopter and a prismatic effect not to exceed one-eighth diopter shall be allowed.

By "Order Modifying Order To Cease and Desist," report of compliance was required as follows:

It is further ordered, That the respondents, Opti-Ray, Inc., a corporation, and Leo Goldgram and Irving Goldgram, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist as so modified.

Issued: May 27, 1960.

By the Commission; Commissioner Tait not participating.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-6164; Filed, July 5, 1960; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER D—MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 237—MORTGAGE INSURANCE FOR NURSING HOMES; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Mortgage Lien and Maximum Interest Rate

1. In § 237.26 paragraph (a) is amended to read as follows:

§ 237.26 Mortgage lien.

* * * * *

(a) The mortgage is a first lien upon and covers the entire project, except that, with the consent of the Commissioner, the mortgage may be subject to liens on equipment given to secure financing of the purchase thereof.

2. Section 237.29 is amended to read as follows:

§ 237.29 **Maximum interest rate.**

The mortgage shall bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such interest rate exceed 5¾ percent per year. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

Issued at Washington, D.C., June 29, 1960.

JULIAN H. ZIMMERMAN,
Federal Housing Commissioner.

[F.R. Doc. 60-6184; Filed, July 5, 1960; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 24—THIRD CLASS

PART 33—METERED STAMPS

PART 48—UNDELIVERABLE MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 24.1 *Rates,* as amended by Federal Register Document 60-1081, 25 F.R. 905-908, make the following changes in paragraph (b) for the purpose of clarification:

A. Amend subdivision (i) of subparagraph (1) to read as follows:

(b) *Bulk rates.* * * *

(1) * * *

(i) Other than authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

NOTE: The corresponding Postal Manual section is 134.121a.

B. Amend subdivision (i) of subparagraph (2) to read as follows:

(b) *Bulk rates.* * * *

(2) * * *

(i) Other than authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

NOTE: The corresponding Postal Manual section is 134.122a.

(R.S. 161, as amended, 396, as amended, sec. 3, 65 Stat. 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 290a-1)

II. In § 24.2 *Classification,* as amended by Federal Register Document 60-1081, 25 F.R. 905-908, subparagraph (2) of paragraph (b) is amended to define the word "identical" as used in applying the bulk rate of postage to third-class mailings. As so amended, subparagraph (2) reads as follows:

(b) *Application of rates.* * * *

(2) The bulk rate is applied to mailings of separately addressed identical pieces in quantities of not less than 20 pounds or of not less than 200 pieces. All of the pieces in a bulk mailing must be identical as to size, weight, and number of enclosures, but it is not required that the textual matter be identical. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each calendar year. (See § 24.4 for other conditions governing acceptance of bulk mailings.)

NOTE: The corresponding Postal Manual section is 134.22b.

(R.S. 161, as amended, 396, as amended, sec. 3, 65 Stat. 673, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 290a-1)

III. In § 33.8 *Manufacture and distribution of postage meters,* subparagraphs (1) and (3) of paragraph (c) are amended to provide for the testing of new model postage meters at the National Bureau of Standards or the Post Office Department Laboratory. As so amended, subparagraphs (1) and (3) read as follows:

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Operations, Post Office Department, after being tested by the National Bureau of Standards or the Post Office Department Laboratory, at the expense of the manufacturer. A preliminary working model may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

* * * * *

(3) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards or the Post Office Department Laboratory, for test, at the expense of the manufacturer, as may be requested by the Bureau of Operations, Post Office Department.

NOTE: The corresponding Postal Manual sections are 143.831 and 143.833.

(R.S. 161, as amended, 396, as amended, sec. 5, 41 Stat. 583, as amended; 5 U.S.C. 22, 369, 39 U.S.C. 273)

IV. In § 48.2 *Treatment by classes,* paragraph (b) is amended to clarify and implement the regulations governing undeliverable second-class mail. As so amended, paragraph (b) reads as follows:

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the pledge of the sender to pay return postage. The words "local address" as used in this paragraph mean any address served by the city, village, rural, or star carriers of any specific post office or a post office box or general-delivery address at the post office. Form 3578, "Change of Address Notice to Publisher," shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address on Form 3579, "Undeliverable Second-Class Matter", which shall then be affixed to the copies, envelopes, or wrappers, near but not over, the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 5 cents for each notice contained in the envelope. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period the complete copy shall be returned to the sender rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see subparagraph (1)(i) of this paragraph) the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If the copies do not bear the pledge of the sender to pay return postage, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one which is undeliverable as addressed, shall be returned to the sender rated with postage due as provided by subparagraph (1)(ii) of this paragraph.

(3) *Pledge of addressee or sender to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1)(i) of this paragraph) and the addressee

has filed a written guarantee either on Form 3575, "Change of Address Order," or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1)(i) of this paragraph. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1)(ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due as provided in subparagraph (1)(ii) of this paragraph.

(4) *Manner in which the pledge of the sender shall be shown.* The pledge of the sender to pay return postage on copies which are undeliverable as addressed shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See §§ 47.4 and 47.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

NOTE: The corresponding Postal Manual section is 158.22.

(R.S. 161, as amended, 396, as amended; secs. 1, 2, 64 Stat. 210; 5 U.S.C. 22, 369, 39 U.S.C. 278a, 278b)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-6168; Filed, July 5, 1960; 8:45 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 35—HOSPITAL AND STATION MANAGEMENT

Autopsies and Other Post-Mortem Examinations

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following amendment which relates solely to agency management. The amendment authorizes the performance of autopsies or other post-mortem operations including removal of tissue for transplanting only by direction of the officer in charge and only when proper consent has been obtained.

Effective date. This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Section 35.16 of Chapter I of Title 42 of the Code of Federal Regulations is amended to read as follows:

§ 35.16 Autopsies and other post-mortem operations.

Autopsies, or other post-mortem operations, including removal of tissue for transplanting, may be performed on the body of a deceased patient only by direction of the officer in charge and only if consented to in writing by a person authorized under the law of the State in which the station or hospital is located to permit an autopsy or such other post-mortem operation under the circumstances of the particular death involved. Restrictions or limitations imposed by the person consenting thereto on the extent of the autopsy or other post-mortem operation shall be observed. Documents embodying consent shall be made a part of the clinical record.

(Sec. 215, 58 Stat. 690; 42 U.S.C. 216. Interpret or apply sec. 321, 58 Stat. 695 as amended; 42 U.S.C. 248)

Dated: June 21, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: June 29, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-6170; Filed, July 5, 1960; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 131]

LEASING AND PERMITTING

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161, 463, and 465 (5 U.S.C. 22; 25 U.S.C. 2, 9), it is proposed to revise Part 131, Title 25 of the Code of Federal Regulations, to read as set forth below. The purpose of these regulations is to revise the regulations relating to leasing and permitting. The principal changes consist of the elimination of references to the various levels of authority for the actions covered; the clarification of the text by rewording and rephrasing and the provision for a new basis for determining lease fees.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulation to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

JUNE 28, 1960.

Part 131, Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

Sec.

AUTHORITY: §§ 131.1 to 131.29 issued under R.S. 161; 5 U.S.C. 22. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, 751, 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, 49 Stat. 115, 1135, sec. 55, 49 Stat. 781, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, secs. 1, 2, 60 Stat. 962, sec. 5, 64 Stat. 46, secs. 1, 2, 4, 5, 6, 64 Stat. 470, 69 Stat. 539, 540, 72 Stat. 968; 25 U.S.C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

§ 131.1 Definitions.

As used in this part:

(a) "Secretary" means Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Issuing or approving officer" means the individual or his successor in office to whom has been delegated the authority to act on behalf of the Secretary in carrying out the regulations in this part.

(c) "Restricted lands" means lands or interests therein (1) title to which is in Indian tribes, corporations, associations, or individuals subject to federal restrictions against alienation or (2) held in trust for them by the United States.

(d) "Permit" means a privilege revocable at will in the discretion of the issuing (or approving) officer or his successor, and not assignable, to enter on and use a specified tract of land for a specified purpose. The terms "lease", "lessor", and "lessee", when used in this part include, when applicable "permit", "permitter", and "permittee", respectively.

(e) "Farm pasture lease" means the conveyance of an exclusive right to use land for a term of years for livestock grazing and crop growing operations.

(f) "Specialized crops" means:

(1) Long life perennials which maintain profitable production over a period of years, or

(2) Those crops the production of which require a substantial development investment on the described land.

§ 131.2 Purpose of regulations.

(a) The regulations in this part prescribe the terms and conditions under which restricted lands other than grazing units covered by Part 151 of this chapter, may be leased or permitted for farm, farm-pasture, business and other purposes authorized by statute, except mineral leases. No lease shall be approved under the regulations of this part which contains any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

(b) Restricted grazing lands within range units established pursuant to Part 151 of this chapter, General Grazing Regulations, shall not be leased under this part.

§ 131.3 Applicability of regulations and reserved authority by the Secretary.

The regulations in this part are of general application. Notwithstanding any limitations contained herein, the Secretary retains the right to approve any lease the terms of which meet statutory requirements when he finds that the lease is in the best interest of the Indian owner.

§ 131.4 Minor's land, use by parents.

Any Indian who supports his dependent minor children may use their restricted lands during the period of their minority without charge for the use of their lands if such use will enable him to engage in a farming, farm-pasture, business, or other enterprise which will also be beneficial to his minor children; and any such Indian may also pledge the income from such lands for the period of his children's minority as security for a loan from the United States, an Indian business corporation, tribe, or credit association.

§ 131.5 Authority for leases or permits.

Leases of restricted lands may be made under the authority of the regulations in this part. A permit may be issued where a lease can be granted under this part for restricted lands. Where no specific statutory authority to lease has been provided, permits only may be issued except that leases may be granted where necessary to preserve trust property from loss by waste. Permits shall contain a provision making the instrument subject to revocation on 30-days notice in writing to the permittee.

§ 131.6 Negotiation of individual leases and permits.

(a) Adult Indians (other than those non-compos mentis) may negotiate for themselves and for their minor children and wards leases for the use of individual restricted lands. Such leases shall be made on forms approved by the Secretary, and shall be subject to the regulations in this part and the written approval of the Secretary. Unless such leases provide otherwise, rentals shall be paid directly by the lessees to the adult Indian lessors. Rentals from land owned by minors shall be paid to the Secretary except where under applicable statutes it is mandatory that such rentals be paid to the parents. When a rental satisfactory to the Secretary has not been obtained by the owners through such negotiation, the Secretary, in his discretion, may advertise the land for lease. At the conclusion of such advertisement, the owners may execute a lease

to a lessee of their choice at not less than the highest acceptable bid received at such advertised sale.

(b) Notwithstanding the appraisal requirement provided in § 131.12 an adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local Government and, at the discretion of the Secretary, such leases may be approved at a nominal rental. Such Indian may lease lands to members of his or her immediate family with or without rental consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers, sisters, lineal ancestors, or descendants.

(c) Where an assignee of tribal lands is authorized by tribal law or custom to lease assigned tribal lands, such assignments of tribal lands may be leased by the holder of the assingment, subject to the terms of the assignment and under the same conditions as provided for individually owned restricted lands in paragraph (a) of this section.

§ 131.7 Negotiation of tribal leases and permits.

Tribes, acting through their tribal councils or other appropriate tribal official(s), may negotiate leases with respect to tribal lands. Such leases shall be made on forms approved by the Secretary, subject to the regulations of this part and the written approval of the Secretary. Negotiated tribal leases shall not be approved unless they are found to be in the best interest of the Tribe. Notwithstanding the appraisal requirement provided in § 131.12 leases for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local Government, homesite leases to tribal members and subsidized leases for the benefit of the Tribe or tribal members may, in the discretion of the Secretary, be approved at a nominal rental. A lease may provide for the payment of rentals direct to the lessor when a Tribe has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease shall provide for the payment of rentals to the superintendent for deposit to the credit of the Tribe in the United States Treasury.

§ 131.8 Grants of leases by the Secretary.

(a) The Secretary may grant leases for individual restricted lands on behalf of: (1) Indians non-compos mentis and orphaned minors; (2) the undetermined heirs of a decedent's estate. Where the entire interest in a tract of land is owned by a nonresident whose whereabouts is unknown a temporary permit may be granted to prevent waste.

(b) Leases embracing inherited or devised restricted lands may also be granted when the heirs or devisees of the decedents have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able during the three months period immediately following the date on which a lease may be renewed (see § 131.23) to agree upon a lease by reason of the number of heirs or devisees, their absence from the reservation, or for any other cause. Before taking administrative action to lease such lands, the known heirs or devisees, respectively, shall be given 30 days notice in writing that such action is contemplated.

(c) Where Indians authorized to negotiate leases as provided in § 131.6 and whose whereabouts are known own the majority interest in land being leased and all such Indians have executed a lease on terms acceptable to the Secretary, the Secretary, by joining in the execution of the lease, may commit the interests of those Indians in whose behalf he is authorized to grant leases under paragraph (a) of this section, without advertising and without limitation as to term as provided in § 131.14(f). The interests of adult Indians whose whereabouts are unknown may be committed to the lease by the Secretary under the authority of this section only after the three months period provided in paragraph (b) of this section has elapsed.

§ 131.9 Grants of permits for use of other lands.

In order to conserve and protect them from waste, lands acquired or reserved by the United States for Indian school or other Indian administrative purposes and other lands transferred to or placed under the administration of the Bureau of Indian Affairs, which are not immediately needed for the purpose for which they were acquired or reserved, may be permitted for farm, farm-pasture, business, or other purposes for minimum periods conducive to proper use. Such permits shall be subject to termination upon 30 days notice in writing to the permittee. Where such reserved lands are tribal lands and it is found impractical to restore them to unreserved tribal status, such lands may be leased by the Tribes in the same manner as provided in § 131.7.

§ 131.10 Advertisement.

Except as provided in § 131.8(c), prior to granting a lease, whether under this part or pursuant to a written authority to grant leases duly executed by the owner, the lands shall be advertised for lease to the highest bidder without preference to prior lessees. Advertising may be waived by the Secretary upon assurance that the fair market rental is being obtained for the owner or as provided for in § 131.12. Leases granted hereunder may provide for payment of rentals to the owners or to persons having custody of the owner of the lands.

§ 131.11 Lease forms.

Except as provided herein or by special authorization of the Secretary, only leases in the form approved by the Secretary shall be used in the leasing of restricted lands. Additional stipulations and conditions to carry out the purposes of the contract may be included in the approved forms. Leases to the United States or to the States, or agencies thereof, may be approved on the forms officially adopted by such governmental agencies when in the best interest of the Indian owners, provided that applicable special mandatory provisions of this part are made a part thereof.

§ 131.12 Appraisals.

Prior to granting or approving a lease on restricted land, an appraisal shall be made to determine the fair market rental. As a general rule, no lease will be approved or granted at less than the fair market rental so determined. However, a lease negotiated pursuant to § 131.6 or § 131.7 or granted pursuant to § 131.8 may be approved if the proposed contract rental approximates the appraised fair market rental and is, in the judgment of the Secretary, the highest rental that may be realized in the circumstances. Under special and unusual circumstances, when necessary to protect the best interests of the land owners and when, in the judgment of the Secretary, there is full justification therefor in each case, one-year leases may be approved or granted with the consent of the land owner, at the highest rental that may be realized.

§ 131.13 Lease fees.

Unless otherwise provided by the Secretary, fees based upon the annual rental payable under the contract as herein set forth shall be collected on each lease, sublease, assignment, transfer, renewal, extension, modification, or other instrument issued in connection with the leasing or permitting of restricted lands under the regulations of this part.

(a) To be paid by lessee, permittee, sublessee, or assignee:

Rental	*Percent*
On the first $500	3
On the next $4,500	2
On all rental above $5,000	1

In no event shall the fee be less than $2.00 nor exceed $250.

In the case of percentage rental leases, the fee shall be calculated on the basis of the guaranteed minimum rental. Where rental consists of a stated annual cash rental in addition to a percentage rental, the estimated revenue anticipated from the percentage rental shall be mutually agreed upon solely for the purpose of fixing the fee. The cost of improvements to be placed on the land by the lessee for the benefit of the lessor shall be prorated on an annual basis for the purpose of calculating the fee. The fee to be collected in case of crop-share or other special consideration leases or permits shall be based on (1) an estimate of the cash rental value of the acreage, or (2) the estimated value of the lessor's share of the crops. When, under the terms of the instruments the lessee is to pay taxes accruing during the period of its operation, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. No fees shall be added or refunded as a result of periodic rental adjustments under the terms of the lease.

(b) Fees, tribally financed employees: When the clerical and ministerial work in connection with the grants of leases is performed by tribal employees, or by Bureau employees paid from appropriated tribal funds fees may be fixed by

the respective Tribes concerned in lieu of the fees prescribed in paragraph (a) of this section, subject to approval by the Secretary.

(c) Disposition of fees: Fees collected pursuant to paragraph (a) of this section shall be covered into the Treasury as miscellaneous receipts. Fees collected pursuant to paragraph (b) shall be credited to the appropriate tribal fund.

§ 131.14 Duration of leases.

The duration of a lease of restricted land shall not exceed the number of years provided for herein and shall in all cases be limited to the minimum duration, commensurate with the purpose of the lease, that will allow the highest economic return to the Indian owner.

(a) Leases of restricted lands granted for public, religious, educational, recreational, residential or business purposes may be executed for a period of not to exceed twenty-five (25) years. With the consent of both parties, such leases may include provisions authorizing their renewal for one additional term of not to exceed twenty-five (25) years.

(b) Farming and agricultural leases of restricted lands granted for the purpose of growing specialized crops as defined in § 131.1(f) may be executed for single term of not to exceed twenty-five (25) years.

(c) All farming leases not granted for the purpose of growing specialized crops may be executed for a term of not to exceed five years for dry-farming lands or ten years for irrigable lands.

(d) Grazing leases which require substantial development or improvement of the land may be executed for a term of not to exceed ten years.

(e) Unless otherwise provided by the Secretary the rental on leases granted for more than five years shall be subject to adjustment at not less than five-year intervals. Leases which provide for such periodic rental adjustment shall contain the following provision:

In the event of termination of Federal supervision, the lessor and lessee, or their successors in interest, shall within 30 days prior to the anniversary date for adjustment of the rental agree upon a commercial appraiser to determine the fair annual rental value. If no agreement can be reached at the end of 30 days, the lessor and lessee, or their successors, shall each appoint an appraiser and the two appraisers shall select a third appraiser. The three appraisers so selected shall constitute the appraisal board to reevaluate the fair annual rental.

(f) Lands of deceased Indians whose heirs have not been determined shall be leased for a term of not to exceed two years, except as otherwise provided in § 131.8.

(g) With the exception set forth in paragraph (a) of this section there shall be no provision for renewal in the leases nor shall any lease provide for a preference right in the lessee to future leases.

(h) Where tribal constitutions or charters of tribal business corporations contain limitations as to the use of tribal lands, or corporate lands, respectively, such limitations shall govern where more restrictive than the regulations in this part. No tribal business corporation organized pursuant to the regulations set forth in Part 81 of this chapter may lease lands held by the corporation included within the limits of a reservation for a period exceeding ten years, unless otherwise provided by law (25 U.S.C. 478).

§ 131.15 Ownership of improvements.

All improvements upon the leased land shall remain the property of the lessor unless specifically excepted therefrom under the terms of the lease. At the termination of the lease, the lessor shall have the option to purchase any improvements specifically excepted which option shall be exercised by the lessor with written notice to the lessee at least ninety (90) days prior to the expiration of the lease. The lessee shall have ninety (90) days from the date of expiration of his lease to remove the excepted improvements not so purchased.

§ 131.16 Description of leased property.

When a lease covers an irregular portion of a legal subdivision, a definite description by metes and bounds must be incorporated therein, accompanied by a plat of the part intended to be leased when the metes and bounds do not conform to the public survey.

§ 131.17 Special mandatory provisions.

(a) All leases issued under this part shall contain provisions as follows:

(1) Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land during the term of this lease; however, such termination shall not serve to abrogate this lease. In the event of such termination, all powers, duties, or other functions of the Secretary shall terminate, and the responsibility for enforcing compliance with the covenants of this lease shall be assumed by the lessor, or successors in interest.

(2) The lessee further agrees that he will not use or cause to be used any part of said premises for any unlawful conduct or purpose.

(b) Leases issued under this part on individually owned lands and which provide for payment of rental direct to lessors shall contain the following provisions:

(1) In the event of the death of the lessor during the term of this lease and while the leased premises are under the supervision of the Secretary, all rentals remaining due or payable to the decedent under the provisions of this lease shall be paid to the official of the Indian Agency having jurisdiction over such premises.

(2) Unless otherwise provided in this lease, no rent or other consideration for the use of the leased premises shall be paid more than one (1) year in advance of the anniversary date of the lease or of the beginning of the crop or grazing year to which the rent is applicable.

§ 131.18 Conservation and land use requirement.

All farming and grazing operations conducted under leases executed pursuant to the regulations of this part shall be in accordance with approved methods as set forth in land use stipulations or a plan of conservation operations annexed to and made a part of the lease.

§ 131.19 Farm and farm-pasture units.

(a) When areas of restricted land consisting of part or all of a number of allotments or separate tracts of tribal lands can be developed and effectively utilized under proper soil conservation and land use practices as single operational units, such lands may be combined into suitable units for such purpose.

(b) A lease may be issued on restricted land in a unit if such authority has been granted to the Secretary by the owners of the areas comprising the unit or if the Secretary is authorized in accordance with the provisions of this part to grant leases covering such lands without the consent of the owners. All such leases shall be advertised as herein provided.

§ 131.20 Irrigable lands, drainage districts, payment of charges.

(a) Except as provided in Part 221 of this chapter any lease for restricted lands within an irrigation project or drainage district shall require the lessee to pay on the due date annually in advance during the term of the instrument, and in the amounts determined, all valid charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease. All payments of such charges and penalties shall be made to the Secretary or other officer designated by him.

(b) Prior to the approval of a lease covering any lands within an irrigation project or drainage district, a list containing the description of the lands shall be furnished to the project engineer for checking as to whether or not such lands are in fact, either irrigable under existing works or subject to drainage charges.

§ 131.21 Bonds.

(a) Unless otherwise provided by the Secretary full performance of the conditions of each lease issued under this part shall be guaranteed by a satisfactory corporate surety bond or individual surety bond in a penal sum of not less than one year's rental and the estimated value of any improvement to be constructed by the lessee for the benefit of the lessor, plus an amount estimated to be adequate to insure compliance with the contractural obligations. In lieu of furnishing a surety bond a lessee may deposit with the superintendent cash or negotiable United States Treasury Bonds or other negotiable Treasury obligations in the appropriate amount together with a power of attorney appointing and empowering the Secretary in the event of any breach of the lease to pay over any such cash, or to dispose of any such bonds and pay over the proceeds derived therefrom as liquidated damages to or for the benefit of the lessor.

(b) A bond is not required on short-term leases which do not provide for the construction of improvements when the rental and other fixed charges have been fully prepaid for the term of the lease. Where substantial improvements accruing to the land, are to be made or constructed during the early part of the lease, the bond insuring the construction

of the improvements may be deemed sufficient to protect the interests of the lessor without requiring an additional surety for the payment of the rental and other fixed charges. Bonds insuring the construction of improvements may be released after completion and acceptance of the improvements. Where the value of the completed improvements to the land exceeds the sum of the rentals and other fixed charges remaining due under the lease, the improvements may be accepted in lieu of bond as adequate security for the payment of these obligations.

§ 131.22 Subleases; assignments; amendments.

A sublease, assignment or amendment of any lease or permit issued under this part may be made only with the approval of the Secretary and the written consent of all parties thereto, including the surety or sureties.

§ 131.23 Advance execution of leases.

No lease shall be entered into more than 12 months prior to the date of the expiration of the existing lease covering the land.

§ 131.24 Payment of rentals.

No rent or other consideration for the use of land leased pursuant to the regulations in this part shall be paid more than one (1) year in advance of the anniversary date of the lease or the beginning date of the crop or grazing year to which the rent is applicable, unless so provided in the lease. In cases of emergency need, the approving officer, in his discretion, may approve amendments to existing leases providing for advance payment of rentals remaining due under the approved contract.

§ 131.25 Violation of lease or permit, procedures and penalty.

(a) The Secretary is responsible for and shall enforce compliance with the requirements of leases issued under this part and other applicable regulations. If there is reason to believe that a lessee has violated the lease or the regulations, a written notice shall be served upon the lessee setting forth in detail the nature of the alleged violation and allowing him 10 days from the date of receipt of notice in which to show cause why the lease should not be cancelled. The surety or sureties on the lease shall be sent a copy of each notice sent to the lessee. If, within this ten (10) days period it is determined that the breach may be corrected and the lessee agrees to take the necessary corrective measures, he shall be given an opportunity to carry out such measures and shall be given 30 days to show evidence of making progress in curing the breach. If a lessee fails within the prescribed time to correct the breach or to furnish satisfactory reasons why the lease should not be cancelled the lessee shall forthwith be notified in writing of the cancellation of the instrument and demand shall be made for payment of all obligations due and for possession of the premises. Where the breach of contract can be satisfied by the payment of damages, the Secretary may approve the damage settlement.

(b) The notice of cancellation shall also inform the lessee of his right to appeal from a decision made pursuant to delegated authority. In the event performance of the contractual obligations was assured through a surety bond which, by its own terms, would cease upon termination of the lease for any cause, the appeal must be accompanied by a surety bond to protect the lessor from any loss of revenue or damage occasioned by the pendency of the appeal. The cancellation of a lease for cause shall not entitle the lessee to the refund of any rentals paid or collected.

§ 131.26 Crow Reservation.

(a) Notwithstanding § 131.14(c), no lease of an irrigable allotment on the Crow Reservation not included in the Big Horn unit of the Crow Indian Irrigation project shall be made for a period longer than five years, unless otherwise provided by law.

(b) Notwithstanding § 131.23, a lease respecting restricted land on this reservation may be executed for farming purposes not to exceed 18 months prior to the expiration date of the lease then in force.

(c) Notwithstanding § 131.6, the approval of the Secretary shall not be required for farming and grazing leases executed by Crow Indians classified as competent under the acts of June 4, 1920 (41 Stat. 751), May 19, 1926 (44 Stat. 566), March 3, 1927 (44 Stat. 1365), May 2, 1928 (45 Stat. 482), March 3, 1931 (46 Stat. 1495), March 15, 1948 (62 Stat. 80), and September 8, 1949 (63 Stat. 695), and which embrace all or part of their own allotments or the allotments of their minor children. Any adult Crow Indian classified as competent shall have the full responsibility for obtaining compliance with the terms of any lease made by him pursuant to this section. Copies of all such leases shall be promptly filed with the Crow Indian Agency and shall constitute constructive notice to all persons. Leases not filed with the agency shall not be recognized by the Secretary as against subsequent lessees, purchasers, or encumbrancers of the same land in good faith for value.

(d) Leases, other than for farming and grazing, may be made under the authority of, and for the purposes stated in, the General Leasing Act of August 9, 1955 (69 Stat. 539), in conformity with other applicable sections of the regulations in this part.

(e) All leases governed by the regulations of this part, made by adult Crow Indians not classified as competent and made on inherited or devised trust lands owned by more than five competent devisees or heirs, shall be valid only with the approval of the Secretary. Such leases shall provide for the payment of all rentals and other income therefrom to the Secretary for the benefit of the Indian owners.

§ 131.27 Fort Belknap Reservation.

Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 131.28 Palm Springs, California.

In addition to the authority for the negotiation of leases contained in § 131.6, leases or permits for the use of individual trust or restricted lands belonging to members of the Agua Caliente or Palm Springs band of Mission Indians may be negotiated by guardians duly qualified as to authority and bond under the laws of California, to enter into transactions on behalf of the owner of the property. Such leases shall be made on forms approved by the Secretary subject to the regulations of this part and the written approval of the Secretary. Leases so negotiated shall provide that rentals due may, in the discretion of the Secretary, be paid to such guardians, providing, however, that at any time during the term of the lease, the Secretary may, at his discretion and upon thirty days' notice to the lessee, require the remaining rentals to be paid to the Secretary.

§ 131.29 Augustine, Cabazon and Torres-Martinez Reservations, California.

(a) Upon a determination by the Secretary that the owner or owners are not making beneficial use thereof, restricted lands on the Cabazon, Augustine and Torrez-Martinez Indian Reservations which are or may be irrigated from distribution facilities administered by the Coachella Valley County Water District in Riverside County, California, may be leased by the Secretary in accordance with the regulations in this part for the benefit of the owner or owners.

(b) All leases granted or approved on restricted lands of the Cabazon, Augustine and Torrez-Martinez Indian Reservations shall be filed for record in the office of the County recorder of the County in which the land is located, the cost thereof to be paid by the lessee. A copy of each such lease shall be filed by the lessee with the Coachella Valley County Water District or such other irrigation or water district within which the leased lands are located. All such leases shall include a provision that the lessee, in addition to the rentals provided for in the lease, shall pay all irrigation charges properly assessed against the land which became payable during the term of the Lease. Act of August 25, 1950 (64 Stat. 470); Act of August 28, 1958 (72 Stat. 968).

[F.R. Doc. 60-6165; Filed, July 5, 1960; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Notice of Withdrawal of Petition

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)) the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations

(21 CFR 121.52), Kalamazoo Spice Extraction Company, P.O. Box 591, Kalamazoo, Michigan, has withdrawn its petition proposing the issuance of a regulation to establish tolerances for residues of certain solvents in spice oleoresins, notice of which was published in the FEDERAL REGISTER of January 5, 1960 (25 F.R. 61).

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 29, 1960.

[SEAL] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

[F.R. Doc. 60-6169; Filed, July 5, 1960; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 990, 996, 999, 1019]

[Docket Nos. AO-14-A30; AO-302-A2; AO-203-A12; AO-204-A11; AO-305-A1]

MILK IN GREATER BOSTON, MASS.; SOUTHEASTERN NEW ENGLAND; SPRINGFIELD, MASS., WORCESTER, MASS.; AND CONNECTICUT MARKETING AREAS

Notice of Extension of Time for Filing Exceptions to the Recommended Decision to Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Mass.; Southeastern New England; Springfield, Mass.; Worcester, Mass.; and Connecticut marketing areas, which was issued June 15, 1960 (25 F.R. 5488), is hereby extended to July 9, 1960.

Dated: June 30, 1960.

F. R. BURKE,
Acting Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 60-6189; Filed, July 5, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 11]

ALASKA

Notice of Filing of Alaska Protraction Diagram, Anchorage Land District; Cancellation

JUNE 28, 1960.

Notice of filing of pages one, two, and three of Copper River Portfolio Number 4, Federal Register Document 60-3820, appearing on Page 3734 of the issue for April 28, 1960, officially filed May 30, 1960, is hereby cancelled insofar as it affects the following described public lands:

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

COPPER RIVER MERIDIAN

CR 4-1, Ts. 13 to 14 N., Rs. 1 to 4 W.,
CR 4-2, Ts. 13 to 14 N., Rs. 5 to 8 W.,
CR 4-3, Ts. 13 to 14 N., Rs. 9 to 10 W.

DALE E. ZIMMERMAN,
Acting Manager,
Anchorage Land Office.

[F.R. Doc. 60-6179; Filed, July 5, 1960; 8:47 a.m.]

Office of the Secretary

GRAND TETON NATIONAL PARK, WYOMING

Elk Reduction Program During 1960 Hunting Season

Notice is hereby given that, pursuant to section 6 of the act of September 14, 1950 (64 Stat. 851; 16 U.S.C. 673c) the Secretary of the Interior and the Governor of Wyoming have reached an agreement pursuant to which there will be no Elk Reduction Program in Grand Teton National Park, Wyoming, during the 1960 hunting season. Copies of the agreement are available for inspection in the Office of the Director of the National Park Service, Room 3104, Interior Building, Washington, D.C.

FRED A. SEATON,
Secretary of the Interior.

JUNE 15, 1960.

[F.R. Doc. 60-6166; Filed, July 5, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11364 etc.; Order No. E-15459]

CHARTER OPERATIONS

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of June 1960.

In the matter of the application of certain air carriers for an exemption, as heretofore granted in Orders E-13158 and E-14079, from the provisions of section 403 of the Federal Aviation Act of 1958 and the Economic Regulations (14 CFR Part 221) with respect to charter operations for the Military Traffic Management Agency, Dockets 11364, 11405, and 11433.

On November 14, 1958, by Order E-13158,[1] the Board granted to certain carriers named therein an exemption from the provisions of section 403 of the Civil Aeronautics Act of 1938 and the Economic Regulations of the Board to the extent that such section of the Act and the Economic Regulations otherwise would require such carriers to apply the ferry rates stated in their tariffs to the actual ferry mileage flown in those cases where such mileage exceeded that estimated in bids or contracts with the Military Traffic Management Agency (MTMA). By its terms, this exemption expired on June 30, 1959. By Order E-14079, on June 19, 1959, a similar exemption was issued under the Federal Aviation Act of 1958 to certain carriers named therein for a one year period ending June 30, 1960.[2] Each of these orders was amended during its effective period to extend the exemption to carriers in addition to those included initially.

Alaska Airlines, Inc., Docket 11364, Hawaiian Airlines, Ltd., Docket 11405, and The Flying Tiger Line, Inc., Docket 11433, have each requested an exemption for the year ending June 30, 1961, of the same nature as the exemption previously granted in Orders E-13158 and E-14079. By letter dated April 19, 1960, the Military Traffic Management Agency (MTMA) has similarly recommended that the Board grant exemption authority for such period beyond the expiry date of Order E-14079 (June 30, 1960) as it may deem appropriate. No objections to the applications of the carriers have been filed.

The need for the requested exemption arises because of a conflict between the bid and contract requirements of MTMA and the tariff requirements of the Act and the regulations. The military bid requirements now provide that a bid submitted by a carrier must represent the maximum charge to be paid by the Military. However, the amount of ferry mileage to be flown under a contract with the Military cannot always be determined by a carrier in advance of performance and, under the terms of the Act and the regulations, it is required to charge and collect the exact amount for ferry mileage which its tariff specifies. Thus, at the present time air carriers cannot comply with both the bid requirements of the Military and the provisions of their tariffs.

[1] Dockets 9862, 9916.

[2] Dockets 9916, 10051, 10011, 10487, 10005, 10227, and 10020.

Other than the exemption basis, no solution to this problem with respect to either the bid or tariff requirements, or both, has been suggested by any interested person although, as stated by MTMA, the matter has been under continuing study. Unless the carriers are afforded the exemption herein requested this impasse would preclude the carriers from meeting the bid requirements of the Military to their mutual disadvantage. Since we believe that the continued participation of air carriers in military charter traffic is in the public interest, essential to the financial integrity of many air carriers, and contributes to the development of an air-transportation system properly adapted to the needs of the national defense, we will grant the exemption requested except as limited herein, and permit the air carriers to continue to meet the military bidding requirements.

In addition, we have concluded that the exemption authority contained herein should be afforded equally to all carriers which otherwise would be unable to meet the bid requirements of MTMA while conforming to the terms of their tariffs. Our conclusion in this respect is intended to relieve qualified air carriers from the necessity of filing individual applications for exemption authority during the three month period ending September 30, 1960. Limitation of such exemptions to the three months ending September 30, 1960, will not preclude extension into subsequent periods if necessitated by circumstances apparent at that time.

Therefore, to the extent that section 403 of the Federal Aviation Act of 1958 and Part 221 of Title 14 of the Code of Federal Regulations would otherwise require air carriers to apply the ferry rates stated in their tariffs to the actual ferry mileages where such mileage exceeds that estimated in bids or contracts with MTMA, the Board finds that the enforcement of such section of the Act and such regulations is not in the public interest and would be an undue burden on air carriers by reason of unusual circumstances affecting their operations.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958 (72 Stat. 731) and particularly sections 204(a) and 416(b) thereof,

It is ordered, That:

1. Subject to the conditions listed hereafter, an exemption from the provisions of section 403 of the Act and 14 CFR Part 221 is hereby granted to the extent that said section and regulations would otherwise require air carriers to apply the ferry rates stated in their tariffs to the actual ferry mileage in those cases where such mileage exceeds that estimated in bids or contracts with MTMA: *Provided,* That this exemption shall only apply with respect to charter operations, to be performed within the continental United States, at the request of the Military Traffic Management

Agency, U.S. Army: *And provided, further,* That this exemption authority expires September 30, 1960.

2. The applications of Alaska Airlines, Inc., Hawaiian Airlines, Ltd., and The Flying Tiger Line Inc., are dismissed except insofar as granted herein.

3. Copies of this order shall be served upon Alaska Airlines, Inc., Hawaiian Airlines, Ltd., and The Flying Tiger Line Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] ROBERT C. LESTER, *Secretary.*

[F.R. Doc. 60-6183; Filed, July 5, 1960; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP60-102]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application and Date of Hearing

JUNE 29, 1960.

Take notice that on May 13, 1960, Columbia Gulf Transmission Company (Applicant), filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing an increase in the horsepower capacity of the compressor engine at its Compressor Station No. 6 near Banner, Mississippi. Applicant proposes to increase the capacity of one of its 2,000 horsepower engines to 2,800 by means of turbo-charging, all as more fully described in the application on file and open to public inspection.

The estimated cost of the proposed project less the salvage of existing installed equipment to be replaced will be $85,200, which said cost will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 28, 1960, at 9:30 a.m. e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 60-6182; Filed, July 5, 1960; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FEES FOR COPYING, CERTIFICATION, AND RELATED SERVICES

JUNE 28, 1960.

Paragraphs 7 and 8 of the Commission's notice of July 15, 1958, in the matter of fees for copying, certification and services in connection therewith, as amended (23 F.R. 5642 and 10577, 24 F.R. 5590 and 25 F.R. 3561), are hereby further amended to read as follows:

7. Payment for services described in paragraphs 1 through 6 hereof may be made in cash or by postal money order or check payable to the order of the Secretary, Interstate Commerce Commission, Washington, D.C., and forwarded to his office.

8. Transcripts of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For the fiscal year beginning July 1, 1960, the official reporter is the CSA Reporting Corporation, 939 D Street NW., Washington 6, D.C., and transcripts will be furnished to the public at the rate of 60 cents per page of approximately 200 words. Application for copies and payment therefor should be made direct to the official reporter.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 60-6171; Filed, July 5, 1960; 8:46 a.m.]

[Notice 341]

MOTOR CARRIER TRANSER PROCEEDINGS

JUNE 30, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62926. By order of June 27, 1960, the Transfer Board approved the transfer to B. & H. Trucking Co., 507 Main Street, Camden, N.J., of Certificate No. MC 67227, issued April 1, 1943, to Harold D. Snyder, doing business as B. & H. Trucking Company, 507 Main Street, Camden, N.J., authorizing the transportation of: Oyster shells, from New York, N.Y., to Camden, N.J.; toilet paper and paper towels and napkins, from Chester, Pa., to Camden and Trenton, N.J.; general commodities, excluding household goods and other commodities, between Camden, N.J., and Philadelphia, Pa.; and gelatine, between Camden, N.J., and New York, N.Y.

No. MC-FC 63180. By order of June 28, 1960, the Transfer Board approved the transfer to Harold Goltzman, doing business as Goltzman Bros., Kew Gardens (Queens), New York, of Certificate in No. MC 11130, issued February 14, 1941, to Merchants Transfer & Storage Co., Inc., Independence, Kans., authorizing the transportation of: Household goods and emigrant movables, between Independence, Kans., and points within 50 miles of Independence, on the one hand, and, on the other, Kansas City, Independence, Joplin, Carthage, and Springfield, Mo., and points in Oklahoma. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., for applicants.

No. MC-FC 63192. By order of June 28, 1960, the Transfer Board approved the transfer to Thornbury Trucking, Inc., Grand Ledge, Mich., of Certificate No. MC 107354, and the remaining portion of the operating rights in Certificate No. MC 107354 Sub 4, issued April 12, 1949, and May 8, 1956, respectively, to W. L. Thornbury, Grand Ledge, Mich., authorizing the transportation of: Clay products, sewer pipe joint compound, barium, malt beverages, wine, empty wine and malt beverage containers, soft drinks, and beverage compounds, from, to, or between specified points in Illinois, Indiana, Michigan, Ohio, and Wisconsin. Wilhelmina Boerama, 2850 Penobscot Building, Detroit 26, Mich., for applicants.

No. MC-FC 63199. By order of June 28, 1960, the Transfer Board approved the transfer to Marshall E. Nauman, doing business as Riteway Transport, 3842 North 50th Place, Phoenix, Ariz., of Certificate in No. MC 98289 Sub 1, issued May 15, 1953, to Joseph M. Montoya and Robert Valdez, a partnership, doing business as Western Freight Lines, 3000 Cerrillas Road, Santa Fe, N. Mex., authorizing the transportation of: General commodities, with certain exceptions, and machinery, equipment, material, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, and heavy or bulky articles requiring special equipment and household goods, from, to, or between specified points in Arizona, Colorado, New Mexico, and Utah.

No. MC–FC 63203. By order of June 28, 1960, the Transfer Board approved the transfer to John A. Solomon, doing business as Kansas City Tow Service, 31 West 31st St., Kansas City, Mo., of Certificates in Nos. MC 116109 and MC 116109 Sub 2, issued August 23, 1957 and April 10, 1958, respectively, to Darlene B. Solomon, doing business as Kansas City Tow Service, 31 West 31st Street, Kansas City, Mo., authorizing the transportation of: wrecked or disabled motor vehicles and trucks, from points in Kansas and Missouri, to Kansas City, Mo., and Replacement motor vehicles for those wrecked or disabled, when transported by wrecker equipment, from Kansas City, Mo., to points in Missouri and Kansas.

No. MC–FC 63208. By order of June 28, 1960, the Transfer Board approved the transfer to C. Mayberry, doing business as Mayberry's Van & Delivery Service, Dayton, Ohio, of Certificate in No. MC 34572, issued November 19, 1959, to Charles A. Ford, Dayton, Ohio, authorizing the transportation of: Household goods, between points in Montgomery County, Ohio, on the one hand, and on the other, points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia. Noel F. George, 44 East Broad Street, Columbus Ohio, for applicants.

No. MC–FC 63236. By order of June 28, 1960, the Transfer Board approved the transfer to Vaupel Transportation, Inc., doing business as Vaupel Transportation, Davis Junction, Ill., of Certificate No. MC 115038, issued November 28, 1955, to Clarence Irven Asche, doing business as Asche Transfer, Shannon, Ill., authorizing the transportation of: Fertilizer from Dubuque, Iowa, to points in Illinois on and north of Illinois Highway 9. Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill., for applicants.

No. MC–FC 63278. By order of June 28, 1960, the Transfer Board approved the transfer to Morneau & Sons, Inc., Berlin, N.H., of the operating rights authorized to Roland J. Morneau, doing business as Morneau & Sons, Berlin, N.H., in Certificates Nos. MC 93172 and MC 93172 Sub 3, issued December 27, 1951, and March 11, 1952, respectively, authorizing the transportation, over irregular routes, of household goods, between Berlin, N.H., and points in that part of New Hampshire, Maine, and Vermont, within 150 miles of Berlin, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, and Massachusetts, and between points in Coos County, N.H., on and north of U.S. Highway 2 on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, and Connecticut, and between Keene, N.H., on the one hand, and, on the other, points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and the District of Columbia. J. L. Blais, Sheridan Building, Berlin, N.H., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–6172; Filed, July 5, 1960; 8:46 a.m.]

[Under Rev. S.O. 562, Taylor's I.C.C. Order 100, Amdt. 3]

CHICAGO AURORA AND ELGIN RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of Taylor's I.C.C. Order No. 100 (Chicago Aurora and Elgin Railway Company) and good cause appearing therefor:

It is ordered, That:

Taylor's I.C.C. Order No. 100 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1960, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1960, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 30, 1960.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 60–6173; Filed, July 5, 1960; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2493]

MAYFLOWER FINANCE CO.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 28, 1960.

I. Mayflower Finance Company (issuer), Fountain Building, Las Vegas, Nevada, filed with the Commission on March 31, 1958 a notification on Form 1–A and an offering circular relating to an offering of 200,000 shares of its $1 par value common stock at $1 per share for an aggregate offering of $200,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission has reason to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to file its report of sales on Form 2–A as required by Rule 260;

2. The issuer has failed to cooperate with the Commission in connection with the filing of its revised offering circular as required by Rule 256(e).

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 60–6167; Filed, July 5, 1960; 8:45 a.m.]

TARIFF COMMISSION

TYPEWRITER-RIBBON CLOTH

Escape-Clause Report

JUNE 30, 1960.

The Tariff Commission today submitted to the President a report of its finding and recommendation in connection with "escape clause" investigation No. 7–85, conducted under section 7 of the Trade Agreements Extension Act of 1951, as amended. This investigation covered cotton broadwoven typewriter-ribbon cloth, provided for in paragraph 904 of the Tariff Act of 1930. This cloth is dutiable at various rates of duty under the General Agreement on Tariffs and Trade, ranging from about 20 to 32 percent ad valorem. The cloth is also subject to an additional duty of 5 cents per pound on the long-staple cotton contained therein.

The Commission found that cotton broadwoven typewriter-ribbon cloth was being imported into the United States in such increased quantities, both actual and relative (to domestic production), as to cause serious injury to the domestic industry producing like or directly competitive cloth. The Commission also found that in order to remedy the serious injury it was necessary to modify the trade-agreement concessions to permit re-imposition on imports of such cloth of the rates originally provided in the Tariff Act of 1930, which range from about 28 to 48 percent ad valorem. The rate of 5 cents per pound on the long-

staple-cotton content of typewriter-ribbon cloth is not affected.

Copies of the Commission's report are available as long as the limited supply lasts. Address requests to the U.S. Tariff Commission, Eighth and E Streets NW., Washington 25, D.C.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 60-6174; Filed, July 5, 1960; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CENTRAL ARIZONA LIVESTOCK AUCTION

Posted Stockyards

Pursuant to the authority delegated to the Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U.S.C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name of Stockyard and Date of Posting

ARIZONA

Central Arizona Livestock Auction, Casa Grande; May 26, 1960.

ARKANSAS

Salem Livestock Auction, Salem; May 6, 1960.

CALIFORNIA

Shasta County Farm Bureau Livestock Marketing Association, Anderson; April 20, 1960.

Bar S Ranch Auction, Fillmore; April 29, 1960.

COLORADO

Tri-State Auction, Strasburg; December 21, 1959.

FLORIDA

Jay Livestock Auction Market, Jay; May 6, 1960.

ILLINOIS

Bloomington Livestock Commission Co., Bloomington; April 12, 1960.

Clinton Livestock Sale, Clinton; November 18, 1959.

Breeds Livestock Sales, Elizabeth; April 11, 1960.

IOWA

Carroll Livestock Sales Company, Inc., Carroll; May 19, 1960.

MASSACHUSETTS

Michelsons Cattle, South Easton; April 26, 1960.

MINNESOTA

Albert Lea Horse Market, Albert Lea; April 18, 1960.

Lewiston Sales Barn, Lewiston; April 25, 1960.

Montevideo Sales Company, Inc., Montevideo; April 19, 1960.

Farmers Auction Market, Motley; April 22, 1960.

MISSOURI

Alton Sale Co., Alton; April 21, 1960.

NEBRASKA

Beaver Valley Livestock Commission Co., Beaver City; May 25, 1960.

NEVADA

Lovelock Livestock Commission Co., Lovelock, April 12, 1960.

OREGON

The Dalles Livestock Commission, Inc., The Dalles; May 2, 1960.

Gillaspie Livestock Auction, Inc., Salem; May 14, 1960.

PENNSYLVANIA

Krumsville Livestock Market, Lenhartsville; April 14, 1960.

Pennsylvania Stock Yards, Philadelphia; April 28, 1960.

SOUTH CAROLINA

Florence Auction Market, Florence; February 2, 1960.

Lake City Auction Company, Lake City; April 27, 1960.

Pageland Livestock Barn, Pageland; April 26, 1960.

Spartanburg Livestock Yard, Inc., Spartanburg; January 28, 1960.

Walterboro Stockyards Company, Inc., Walterboro; February 1, 1960.

TENNESSEE

Union Livestock Yards, Inc., Knoxville; May 4, 1960.

Sevier County Livestock Auction Co., Seymour; May 5, 1960.

TEXAS

Caldwell County Livestock Exchange, Luling; May 11, 1960.

WASHINGTON

Othello Livestock Auction, Inc., Bruce; May 24, 1960.

Tri-County Livestock Commission Co., Rochester; May 5, 1960.

WISCONSIN

Fennimore Livestock Exchange, Fennimore; April 29, 1960.

Nolan Livestock Auction, Inc., Marion; April 27, 1960.

Monticello Livestock Sales, Monticello; May 2, 1960.

Done at Washington, D.C., this 30th day of June 1960.

HARRY L. WILLIAMS, *Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.*

[F.R. Doc. 60-6190; Filed, July 5, 1960; 8:48 a.m.]

KENTUCKY-TENNESSEE LIVESTOCK MARKET

Proposed Posting of Stockyards

The Chief of the Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the act.

Kentucky-Tennessee Livestock Market, Guthrie, Ky.

Great Lakes Horse and Pony Sale, Saginaw, Mich.

Central Missouri Livestock Auction, Mexico, Mo.

Adams Commission Sales, Adams, N.Y.

Amsterdam Livestock Sales, Inc., Amsterdam, N.Y.

Ben Dibello Commission Sales, Hannibal, N.Y.

Burton Livestock Exchange, Vernon, N.Y.

Cambridge Valley Live Stock Market, Cambridge, N.Y.

Chatham Area Auction Co-operative, Inc., Chatham, N.Y.

Cobleskill Commission Sale, Cobleskill, N.Y.

Dansville Commission Auction, Dansville, N.Y.

Empire Livestock Marketing Cooperative, Inc., Bath, N.Y.

Empire Livestock Marketing Cooperative, Inc., Bullville, N.Y.

Empire Livestock Marketing Cooperative, Inc., Caledonia, N.Y.

Empire Livestock Marketing Cooperative, Inc., Dryden, N.Y.

Empire Livestock Marketing Cooperative, Inc., Gouverneur, N.Y.

Empire Livestock Marketing Cooperative, Inc., Greene, N.Y.

Empire Livestock Marketing Cooperative, Oneonta, N.Y.

Empire Livestock Marketing Cooperative, Inc., Watertown, N.Y.

Empire Livestock Marketing Cooperative, Inc., Winfield, N.Y.

H. L. Neverett & Sons, Chazy, N.Y.

H. L. Neverett & Sons, Malone, N.Y.

Hillsdale Farmers Auction, Inc., Hillsdale, N.Y.

Horseheads Livestock Market, Inc., Horseheads, N.Y.

Hudson Valley Livestock Market, Waterford, N.Y.

J. M. Kaplan & Son, Inc., Millerton, N.Y.

Kimball Stand Commission Sales, Jamestown, N.Y.

Luther's Livestock Commission Market, Wassaic, N.Y.

Maplehurst Livestock Market, Hinsdale, N.Y.

Milford Commission Sales Stables, Inc., Milford, N.Y.

N. Johncox Sons, Palmyra, N.Y.

R. Austin Backus, Inc. (Earlville Sales), Earlville, N.Y.

Seymours Commission Sales, DeKalb Junction, N.Y.

Seymours Commission Sales, Lowville, N.Y.

Southern Cayuga Commission Sale, Moravia, N.Y.

Sullivan Bros., Utica, N.Y.

Tweedies Sale's Stables, Walton, N.Y.

Wallkill Livestock Market, Walden, N.Y.

Haz-Cliffe Horse and Pony Sale, Wooster, Ohio.

Bud Burleson Commission Co., Cleburne, Tex.

Tate Brothers Live Stock Auction Co., Midland, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of June 1960.

HARRY L. WILLIAMS,
Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 60-6191; Filed, July 5, 1960; 8:48 a.m.]

RED BAY STOCKYARD

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the stockyards named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public markets, and are, therefore, no longer subject to the provisions of the act.

Name of Stockyard and Date of Posting

Red Bay Stockyard, Red Bay, Ala.; August 24, 1959.
Hayes Sales Yard, Nampa, Idaho; January 14, 1955.
Cherokee Livestock Commission, Tyler, Tex. (formerly Rose City Livestock Auction); January 11, 1957.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 30th day of June 1960.

HARRY L. WILLIAMS,
Acting Chief, Packers and Stockyards Branch, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 60-6192; Filed, July 5, 1960; 8:48 a.m.]

[P. & S. Docket No. 308]

SIOUX CITY STOCK YARDS

Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on August 7, 1958 (17 A.D. 732), authorizing the respondents, the Market Agencies at the Sioux City Stock Yards, Sioux City, Iowa, to assess the current temporary schedule of rates and charges to and including July 31, 1960, unless modified or extended by further order before the latter date.

On June 17, 1960, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including July 31, 1962, unless extended or further modified by order entered prior to the latter date.

* * * * *

	Rates per head	
	Present	Proposed
Cattle		
Consignments of 1 head and 1 head only	$1.50	$1.55
Consignments of more than one head:		
First 5 head in each consignment	1.20	1.25
Next 10 head in each consignment	1.15	1.20
Each head over 15 in each consignment	1.00	1.05
Calves		
Consignments of 1 head and 1 head only	.85	.90
Consignments of more than one head:		
First 5 head in each consignment	.75	.80
Next 10 head in each consignment	.70	.75
Each head over 15 in each consignment	.60	.65

* * * * *

Note No. 1 would be deleted [This note pertains to the maximum and minimum buying charges on hogs shipped out by rail].

Note No. 2 would be renumbered as Note No. 1 and amended to read:

For each 28,000 pounds or fraction thereof in each purchase order of hogs shipped out by truck or rail, the maximum shall be $25 and minimum $20 for the first 17,000 pounds plus $0.33 (33¢) times the excess weight between 17,000 pounds and 28,000 pounds divided by the average weight of the hogs in the purchase order, with a maximum of $35 and minimum of $30 for each 28,000 pounds.

Note No. 3 would be renumbered as Note No. 2.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 29th day of June 1960.

DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 60-6193; Filed, July 5, 1960; 8:48 a.m.]

Forest Service

CERTAIN LANDS ACQUIRED UNDER TITLE III—BANKHEAD-JONES FARM TENANT ACT

Suitability for National Forest Purposes

Puruant to the requirement of Executive Order 10445, dated April 10, 1953 (18 F.R. 2069), except as to lands within the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands within the exterior boundaries of national forests which have been acquired through exchange since June 30, 1959, or that are in the process of being acquired through exchange by the Forest Service on behalf of the United States under authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1013), are hereby determined to be suitable for national forest purposes.

Dated: June 24, 1960.

RICHARD E. MCARDLE,
Chief, Forest Service.

[F.R. Doc. 60-6178; Filed, July 5, 1960; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

A. V. MARANO & CO., INC., ET AL.

Probation Order

In the matter of A. V. Marano & Co., Inc., Frank P. D'Acunto, Irving Greenbaum, 276 Fifth Avenue, New York 1, N.Y., Respondents, Case No. 271.

By charging letter of April 11, 1960, the Director, Investigation Staff, Bureau of Foreign Commerce, charged the respondents, A. V. Marano & Co., Inc., Frank P. D'Acunto, and Irving Greenbaum, with violations of the Export Control Act of 1949, as amended, and regulations issued thereunder, in connection with their failure to place destination control notices as required by the Export Regulations on commercial invoices related to two air parcel post shipments of cathode ray tubes and klystrons from the United States to West Germany.

By answer dated April 14, 1960, the respondents acknowledged service of the charging letter, admitted these charges, and cited factors in mitigation. By letter of May 16, 1960, the respondents, without prejudice and for the purpose of this compliance proceeding only, have admitted the allegations and charges aforesaid, waived all right to an oral hearing before a Compliance Commissioner, and consented to the entry of an order against them which would place them on probation for the period of six months from the date of an order to be issued. Respondents also waived all right of administrative appeal from, and judicial review of, such order. On May

20, 1960, the Director, Investigation Staff, agreed to acceptance of this consent order.

The Compliance Commissioner to whom this case was assigned, having reviewed the pleadings and evidence, has submitted to me his report and recommendation wherein he has recommended acceptance of the consent order.

Now, after considering the entire record including the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact.

1. During the times herein involved, A. V. Marano & Co., Inc., was a corporation located at 276 Fifth Avenue, New York, N.Y. and engaged in export-import business. Frank P. D'Acunto was President of the firm, and Irving Greenbaum was Secretary-Treasurer.

2. On or about August 5, 1958, the Marano firm exported via air parcel post from New York, pursuant to validated export licenses B8-616-30831 and B8-625-31051 issued by the Bureau of Foreign Commerce, five cathode ray tubes and five klystrons to a consignee in Hamburg, West Germany.

3. In each of the aforesaid exportations, the commercial invoices prepared and issued by the Marano firm to the West German consignee bore destination control notices which were incomplete in that they failed to show West Germany as the ultimate destination.

4. The respondents knew, or should have known, when these commercial invoices were prepared and issued, that the destination control notices were incomplete and not in conformity with the requirements of § 379.10(c)(3) (now 379.10(c)(4)) of the Export Regulations.

From the foregoing, the following is my conclusion.

The respondents, A. V. Marano & Co., Inc., Frank P. D'Acunto, and Irving Greenbaum, knowingly failed, omitted and neglected to place proper and full destination control notices on certain commercial invoices in connection with U.S. exportations as required by § 379.10 (c)(3) (now 379.10(c)(4)) of the Export Regulations, and have thereby violated and failed to comply with said Export Regulation.

In his report, the Compliance Commissioner said:

> The instant case significantly illustrates the importance of placing the required destination control notice on commercial invoices. The subject exportations were made by air parcel post. Such shipments do not involve bills of lading. Thus, the material export control document which is actually received by the foreign consignee in such a shipment is the commercial invoice. It is important and necessary, therefore, in such a shipment that the required destination control notice be placed on the commercial invoice because this constitutes the essential means of bringing to the attention of the foreign consignee-purchaser the limitations which have been placed on the disposition of the commodities exported from the United States.
>
> In mitigation of their admitted violations, the respondents have pointed out that their commercial invoices have printed on them in bold type the following: "These commodities licensed by U.S. for ultimate destination ---------- Diversion contrary to U.S. law is prohibited." They alleged that, in the instant cases, the ultimate destination, "West Germany" was omitted through the negligence and error of an employee who had been hired to replace the firm's regular export manager. The incidents occurred on the second day of the employment of this new man, who remained with the firm only one month and is no longer in its employ.
>
> Compliance orders are not primarily intended to impose penalties. Rather they are essentially remedial actions, the primary objectives of which are to achieve effective enforcement of the U.S. Export Control Act and the regulations, orders and licenses issued thereunder, to deter violations, and to establish corrective values and standards of conduct consistent with the achievement of the U.S. Government policies set forth in the Act.

It was the Commissioner's conclusion that the facts of this case were such as to make the proposed consent order fully consistent with the remedial objectives of the law.

Now, therefore, after careful consideration of the entire record, and being of the opinion that the recommendation of the Compliance Commissioner and the following order are reasonable, fair, just, and necessary to achieve effective enforcement of the Export Control Act and regulations, orders and licenses issued thereunder, *It is hereby ordered,* Upon condition that the respondents, A. V. Marano & Co., Inc., Frank P. D'Acunto, and Irving Greenbaum, and each of them, during the period of six months from the date of this order, do not knowingly violate the Export Control Act of 1949, as amended, and all regulations, orders and licenses promulgated thereunder, the said respondents shall be permitted all export privileges as though this order had not been made, and, at the expiration of the six months' period, this order shall, without further action, be and become terminated. In the event, however, that it be found by the Director, Office of Export Supply, or such other official as may at that time be exercising his duties, after investigation, that the respondents or any of them have failed to comply with the foregoing condition in any respect during the aforesaid six months' period, such official may, summarily and without notice to the respondents, enter and publish an order against them revoking all outstanding validated licenses to which any of them may be a party, and denying to any of them, and to all persons and firms related to them, for the period of six months from the date of the supplemental order, all privileges of participating, directly or indirectly, in any manner or capacity, in any export transaction involving goods originating in whole or in part from the United States. The entry of such supplemental order shall not limit the Bureau of Foreign Commerce from taking such other action based on such violation as it may deem warranted.

In the event that such supplemental order is issued, respondents shall have the right to hearing and appeal therefrom as provided in the Export Regulations.

Dated June 30, 1960.

JOHN C. BORTON,
Director, Office of Export Supply.

[F.R. Doc. 60-6181; Filed, July 5, 1960; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: During the current recess of the Congress a listing of public laws approved by the President will appear in the FEDERAL REGISTER under *Title 2—The Congress.*

Approved July 1, 1960

(The following bill was returned by the President with his objections to the House of Representatives on June 30, 1960. It was reconsidered and approved by two-thirds of each House on July 1.)

H.R. 9883 ..... Public Law 86-568
An Act to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes.

Approved July 2, 1960

H.J. Res. 778 ..... Public Law 86-569
Joint Resolution making temporary appropriations for the fiscal year 1961, and for other purposes.

CUMULATIVE CODIFICATION GUIDE—JULY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during July.